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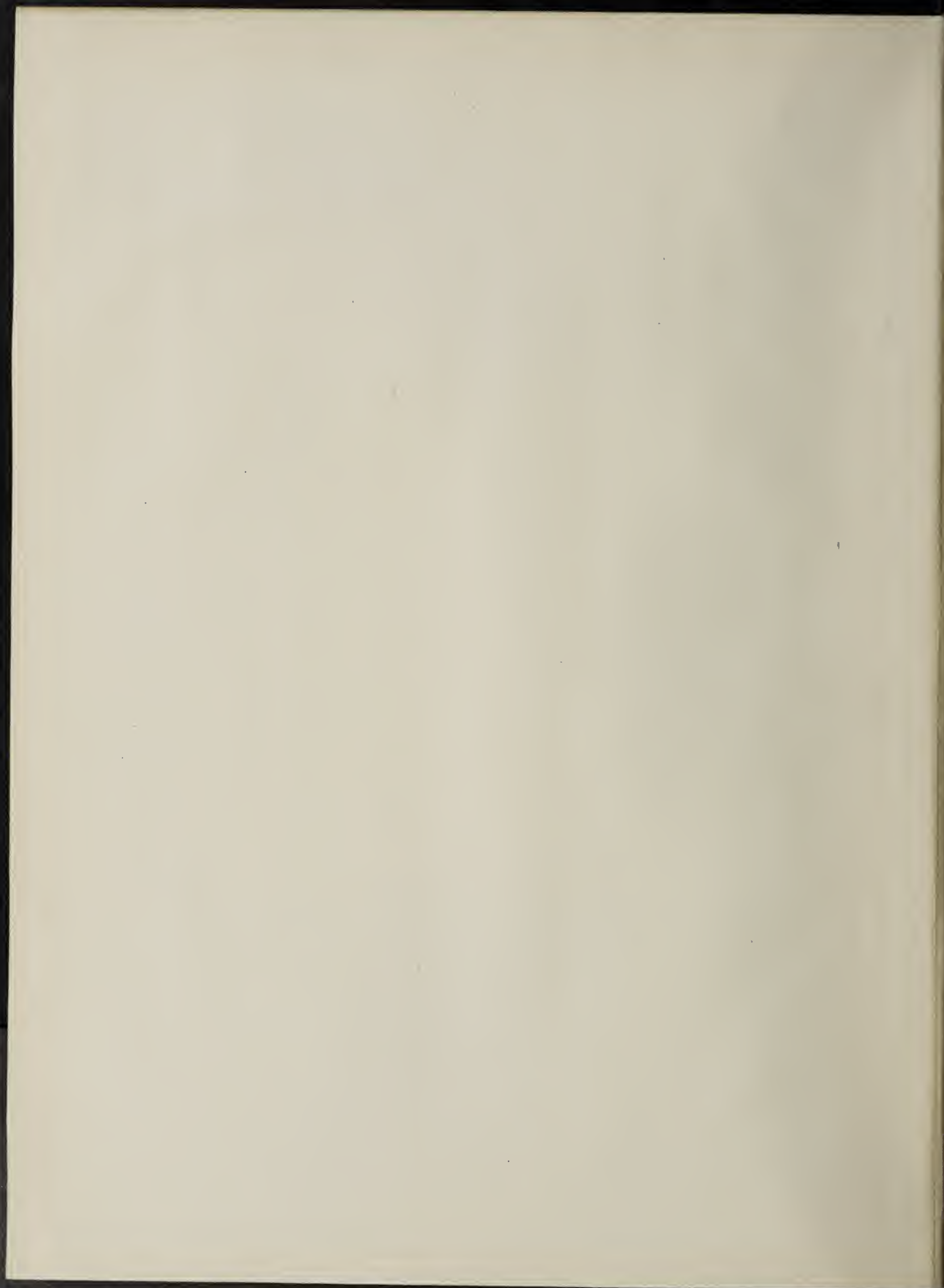
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# THE AMERICAN FOOD JOURNAL



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## NINTH ANNUAL REPORT OF HON. A. H. JONES, ILLINOIS FOOD COMMISSIONER.

CHICAGO, ILL., 1619 Manhattan Building.

To His Excellency, Charles S. Deneen, Governor of Illinois:

Dear Sir: I have the honor to herewith transmit this, my ninth annual report of the Illinois State Food Commission, for the year 1908, in compliance with that part of section 1 of the Act of the General Assembly, approved May 14, 1907, and in force July 1, 1907, known as the New Illinois State Food Law.

As stated in our last annual report the General Assembly has given evidence that it has considered the recommendations in your last annual message, and consequently, has determined to enter upon a broader and more comprehensive food and dairy policy, adequate in some sense to the needs of our great state, by an entire revision of all the laws pertaining to foods and codifying these laws into one code and modeled after the National Food Law, with the possible exception of the "Oleomargarine Laws of 1897."

### REVISION OF FOOD LAWS.

As an investigation of food legislation in Illinois will show that the laws, pertaining to foods had never been revised and consisted of some eighteen acts, extending back to 1845; and there was a contention that the law of 1899, creating the State Food Commission, and purporting to be a revision of the Food Laws, except as to dairy products, repealed all former laws, so that in prosecution for violations under prior statutes it made it hard to convict, but this contention is now done away with, for under the enactment of the New State Food Law by our present General Assembly, and the entire revision of all the laws into one code, except the law pertaining to "Oleomargarine," it leaves no contention that the law of 1907 is not a full and complete revision of all our food laws.

Now that we have an entire revision of our State Food Laws, modeled after the National Food Law, with authority to make rulings and standards and revised and brought down to date to meet the new conditions, it is conceded, by the food officials of the various states of the Union as well as food manufacturers and dealers, that Illinois has the best food law of any state in the Union, and many of the states have already revised their food laws substantially along the same lines and used the New Illinois State Food Law as a model and the people of our state are to be congratulated upon securing such a splendid law.

Under our new state food law the power of the commissioner and inspectors are greatly enlarged and the department is clothed with much greater authority as to taking and procuring samples and the right to examine all premises, carriages, cars, or other places where food is manufactured, transported, stored or served to patrons, as will more fully be shown by sections 2, 3 and 4 of our new state food law.

### COMPARISON OF OLD AND NEW FOOD LAW.

Ten very important changes were made by our new state food law.

1st. The new food law requires that every manufactured

food product and all foods put up in package be branded with the true name of the article. Prior to this act there was no requirement, except in the case of oleomargarine, renovated butter, vinegar and artificial or imitation extracts, jellies and marmalades.

2nd. The old law of 1899 contained no provisions against misbranding or mislabeling. The new law contains all the provisions of the National Food Law relative to misbranding or mislabeling, and many other provisions in regard to standards of various foods.

3rd. Sanitary inspection is authorized and the use of the



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For Nine Years Illinois Food Commissioner.

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unsanitary utensils and containers for milk, cream, or dairy products generally is specifically forbidden.

4th. Under the old food law there was a standard for milk, but no penalty for sale of milk below standard. Under the new food law there is a standard for milk and there is a penalty for selling milk below standard.

5th. Under the old law there was no provision for making standards for foods. Under the new food law there are adequate provisions.

6th. It was necessary under the old law in each case where a preservative was unwholesome or injurious to health to state same on the label; under the new law a preservative, such as formaldehyde, hydrofluoric acid, boric acid, salicylic acid and all compounds and derivatives thereof are declared unwholesome and injurious. This section, written into the law, has added great strength to the law and makes it easy to convict.

7th. There is now, for the first time, a guarantee clause in the new state food law. This protects the innocent retailer from prosecution, and fixes the responsibility on the truly guilty party where in good faith he purchases the goods of the manufacturer, packer or jobber within the state and receives a guarantee—as provided by law for same—this provision of the law seems to be suited to the public needs, as it not only protects the retailer, if he is careful and prudent, as he should be in making his purchases only of a reputable manufacturer or jobber, and brings responsibility home to the manufacturer, packer, or jobber, if a false guarantee is made; and the responsibility is placed where it belongs, on the manufacturer, packer or jobber, who prepared the goods for sale, or of whom he purchased same.

8th. Under section 6 of the new food law the possession of misbranded or adulterated articles of food are prohibited by law—it makes the possession of same prima facie evidence of guilt, and the possession thereof a violation of the law. This section is of great assistance to the department as it does away with the fraud found in food in the possession of the retailer. Now all the department has to do is to prove that the goods are adulterated or mislabeled, in order to convict.

9th. Under section 10 of the new food law the department is given the right to enforce the confiscation and condemnation of misbranded or adulterated foods. This section is of great assistance to the department in the enforcement of the law, as in many cases the goods have been found to be "contraband goods," or shipped into the state under the Interstate Commerce Law in violation of the National Food Law, and when coming within the jurisdiction of the State Food Department, where found to be illegal, could be seized and condemned as provided in said section.

10th. Section 40 of the new state food law, authorizing the department to grant preliminary hearings to the accused violators of the law, is a new section. It provides the commissioner shall cause notice of the violation to be given to the accused, with a copy of the findings, and a hearing had on the same; the accused may appear in person, or by attorneys, and after such hearing the commissioner may in his discretion either prosecute the accused or discharge him. This is one of the most important provisions of the new state food law, as under this section, the accused can come in and make defense and show cause, why he should not be prosecuted.

#### MISBRANDING DUE TO IGNORANCE OF LAW.

In many of the preliminary hearings that have been held under said section 40, it has been found that the adulteration, or misbranding, was on account of ignorance of the legal requirements, and in a number of other cases it was found that the goods had been manufactured, or packed, prior to the enactment of the new law, and that the retailer, who had the article in his possession, was not advised as to the change of the law in these respects, as soon as the attention of the accused was called to the violation of the law, he immediately shipped the goods back, or had them labeled, in conformity with the requirements of the new law.

Prior to the passage of the new food law of Illinois there had been no law on the statute books of our state requiring spiritous and vinous liquors to be properly labeled, or preventing their adulteration.

Under section 14 of the new law the adulteration of liquors is especially prohibited and under paragraph 2 of section 9, where it is an imitation, it should be plainly stated on the label in which it is contained, or if it is a blend of two or more liquors it should be stated on the label.

I regard these sections as very important additions to the law, as now we can punish the manufacturer, packer or dealer for selling liquors containing substances or ingredients not healthful or that are not properly labeled so as to show

just what the article of liquor is and what it is composed of. NATIONAL ASSOCIATION OF STATE DAIRY AND FOOD DEPARTMENT FOR UNIFORMITY.

The National Association of State Dairy and Food Departments was organized for the purpose of securing a National Food Law, and to secure the co-operation of the various food officials, state and national, also for securing legislation in the different states of the Union and state food laws, modeled after the National Food Law, and to secure unity of action as to rulings, labels and standards among the various states as well as with those made by the national food authorities.

#### THE NATIONAL FOOD AND DRUGS LAW.

As soon as I was appointed State Food Commissioner, I became a member of the National Association of State Dairy and Food Departments, and served two years as its president and have been a member of the executive committee of said association since, as a member of the executive committee of said association helped prepare a national food law and the same was introduced in Congress; for seven years our committee memorialized Congress to pass this national food law and the co-operation of the various food officials, state and national, as well as the various food journals, and the press of the country, and the work of education thus carried on created a sentiment so strong that Congress finally, in 1906, passed the National Pure Food and Drug Law.

#### FOOD CONDITIONS FEARFUL TO CONTEMPLATE.

The condition of the food markets of the country had become fearful to contemplate—food adulteration had become so entrenched, owing to the Interstate Commerce Laws, that permitted these adulterated and misbranded foods to cross the border lines of the states and the states had no jurisdiction beyond their border lines, that there was no way of preventing their shipment into our state until this National Law was passed, now through the co-operation with the National Food authorities, under the National Food Law, we can prevent these adulterated and misbranded foods from being sold in our state.

#### CO-OPERATION WITH FEDERAL OFFICIALS.

Immediately after the National Law was passed, I went to Washington and took up the question of co-operation in the national food work, and enforcing the national and state laws with Dr. Wiley, chief of the Bureau of Chemistry, who had charge of the enforcement of the National Food Law with Secretary Wilson of the Department of Agriculture, in whose department the enforcement of the National Food Law was placed, made the necessary arrangements with them for mutual co-operation in all matters pertaining to Interstate Commerce in foods that might arise in Illinois.

Under this arrangement the national food authorities located their offices and laboratory on the north half of the 16th floor of the Manhattan Building, and the Illinois State Food Department has, for the past nine years, occupied the south half of the 16th floor of the Manhattan Building in Chicago, and for the past year these arrangements for co-operation and harmony of action have been carried out, and the work of enforcing our state food laws, under this new arrangement, has been much more complete and effective than ever before, as now when adulterated foods are discovered, that have come across the border line of our state the same is handed over by the state food authorities to the national food authorities to prosecute as provided by the National Food Laws; and when it is discovered as adulterated or mislabeled, contrary to the provisions of our state food law it is handed over by the national food authorities to the state food authorities to prosecute as provided in our state food laws.

Dr. A. L. Winton, who has charge of the headquarters of the middle division of the United States Food and Drug Law, as located in the north half of the 16th floor of the Manhattan Building, has, for the past twenty years, been engaged in national food work in connection with the Agricultural Experiment Station and otherwise, and owing to his long experience in the work of enforcing these various food laws, has become very proficient, and is regarded as an expert on all questions pertaining to food and dairy products.

More attention is being given to these matters than ever before, as under these laws, state and national, rulings have been made for nearly every food product and a committee of state and national food chemists have been appointed to formulate these rulings, so that the food officials of the various states, as well as the National Government, may adopt and follow same; already there is established rulings for the various food products and co-operation, and the work of enforcing the food laws will, in the future, be comparatively easy, as now we can reach the manufacturers or vendors of these adulterated and misbranded foods outside of the state.



Heretofore, as stated, there was no way of reaching these adulterators, and false labelers of foods, doing business outside of the state and whose foods came across the border line of the state.

#### LABELS AND STANDARDS ESTABLISHED.

Now that we will have labels and standards for the various articles of food and every food product properly labeled so as to show the composition or ingredients entering into same, the discovery of fraud in foods and the evidence of the same will be narrowed down until it will simply mean a question of analysis by the chemist and a comparison of the sample with the label and standard as fixed.

Hereafter manufacturers, dealers and food officials under the provision of our new national and state food laws, and the rulings and standards, will be equally and fully informed as to the precise requirements in the composition of all articles of food, the proper labeling of same, and much unnecessary and costly litigation will thereby be avoided.

#### COMPARISON OF ILLINOIS FOOD LAW WITH NATIONAL FOOD AND DRUGS ACT.

In comparing the provisions of our state food law with those of the national food law it will be found that there is substantially no difference between our state food law and the national food law, except our state law is extended sufficiently to embrace local conditions and take in the police powers of the state, and it further seems that the national food law meets every reasonable requirement, so far as national supervision of foods is concerned, and that the incorporation of these national provisions, as is done substantially in our state food law, by the several states of the Union, and the embodying so much therein of the local conditions, each state will have the best food law they can possibly hope for.

This will seem more apparent when we consider that the National Government can only legislate in so far as Interstate Commerce is concerned, except in the District of Columbia, and territories, our insular possessions, and also as to foreign commerce they each being matters delegated to the National Government and all other matters being reserved by the states.

In comparing the provisions of our state food law with those of the national, we find, in the following seventeen provisions wherein they are similar, or the reasons set forth why they are not substantially the same, thus showing that in all the essential particulars they are, in substance, the same.

First.—Sections 1, 2, 3 and 4 of the Illinois Food Law provide for the appointment of a Commissioner, Assistant Commissioner, Analysts and Inspectors, and prescribe the duties of each, the powers of each, and the method of taking and delivering samples by the inspectors.

Second.—Section 5 of the state food law is the same as section 1 of the national food law, save in the territory embraced within the provisions, the state law being limited in its application to the State of Illinois, and also that section 5 contains the provision that an article which is intended for shipment to a foreign country may be prepared or packed according to specifications, or directions, of the foreign country to which it is intended to be shipped. This proviso will be found in section 2 of the national food law.

Third.—Section 3 of the national food law makes provision that the Secretary of the Treasury, the Secretary of Agriculture and the Secretary of Commerce and Labor shall make uniform rules and regulations for the purpose of carrying out the act. This is substantially enacted in section 38 of the Illinois Food Law, except that the Illinois Food Law in sections 2, 3 and 4 makes provision for the method of taking samples, and also except in that the National Food Law limits the samples to be taken from unbroken packages, while the Illinois Food Law contains no such restriction.

Fourth.—Section 4 of the National Food Law is a provision that examinations shall be under the direction of the Bureau of Chemistry, in the Department of Agriculture, which provision is embodied in section 4 of the Illinois Food Law, except that it provides that all analyses shall be made by the State Analyst, or his assistants.

Fifth.—Section 5 provides the District Attorney shall prosecute offenders, while section 31 of the Illinois law provides the State Attorney shall prosecute.

Sixth.—In section 6 of the National Food Law, the term "drug" is defined as is also the term "food." The Illinois Food Law does not define "drugs" at all, nor does it attempt to regulate their manufacture or sale. That being left to another bureau of the state government (the State Board of Pharmacy) which was created long before the passage of the State or National Food Laws or before the State or

Federal Government began the regulation of the manufacture and sale of food products.

Seventh.—The term "food" as defined by section 6 of the Federal Law, is embodied in section 7 of the Illinois Food Law, together with the additions of the provision "and any substance used as a constituent thereof."

The provision as to drugs in section 7 of the National Food Law is omitted in the Illinois Food Law, for the reason heretofore set forth, while the provision of section 7 of the National Food Law as set forth under the provision under the sub-head "In Case of Confectionery," is set forth in the Illinois Food Law, in section 8, under the sub-head "In Case of Confectionery."

Eighth.—The provisions of the National Food Law as to adulteration, as set forth in section 7 thereof, under the sub-head "In the Case of Food," are embodied in section 8 of the Illinois Food Law, under the sub-head "In Case of Food," except that paragraph "Three" thereof, the following "Provided that in the manufacture of skimmed or separated cheese, the whole or part of the butter fat in the milk may be abstracted," is added in the Illinois Food Law, and in paragraph 4, in reference to polishing, the words "or it is added in the Illinois law," and in paragraph 5 "formaldehyde" and certain other acids are declared to be injurious by our law, while the National law, as to these acids and all other preservatives, is silent.

Ninth.—In section 8, of the National Food Law, defining "misbranding," the National law, under the sub-head "In Case of Drugs," makes provision as to branding drugs, while the Illinois law is, for the reason above set forth, silent. In the same section of the National law, under the sub-head "In Case of Food," defines "misbranding of food." This entire provision is embodied in the Illinois Food Law with the addition thereto of paragraph 4, as follows: "If it be a manufactured article of food, or food sold in package form, and is not distinctly labeled, marked or branded, with the true name of the article and with either the name of the manufacturer or the name and address of the packer or dealer who sells the same," which is in substance one of the provisions of the original Illinois Food Law, and was written into the new food law because of its salutary provisions.

Tenth.—Section 9 of the National Food Law contains a provision as to guaranty from wholesale jobbers, manufacturers or other parties residing within the United States, whereby the dealer is freed from liability and the person making the guaranty is rendered liable to prosecution. This provision is embodied in section 31 of the Illinois Food Law, except that it limits the residence of the guarantor to the State of Illinois, which, when we consider the jurisdiction of the state, must commend itself. There is another limitation in that the guaranty only applies to the original unbroken package under the Illinois Food Law, yet this, in effect, is the same limitation that is made in section 9 of the National Food Law.

Eleventh.—Section 10 of the National Food Law providing for condemnation and confiscation of contraband foods and is substantially the same as section 10 of the Illinois Food Law.

Twelfth.—The provision for a hearing for persons suspected of violating the National Food Law as provided in section 4 of that law, is carried out under section 40 of the Illinois Food Law.

Thirteenth.—Section 11 of the National Food Law is a provision applying to foreign commerce exclusively over which the state has no jurisdiction, and for that reason it is left out of the Illinois Food Law. Thus it will be seen that every provision of the National Food Law so far as the same can come within the limits of the jurisdiction of the state, are embodied in the Illinois Food Law.

Fourteenth.—The Illinois Food Law contains many provisions not specifically set forth in the National Food Law, which have been written into the Illinois Food Law for various reasons. In some instances, because of the difference between the authority granted of officers appointed by the Federal Government, and that granted to officers appointed under the State Food Law. Also, some articles which may be a natural product of one state and not produced at all in some of the other states, or a difference in the strength or purity, of articles produced in different sections of the country, which gives an illustration of products of one state which are put on the market in their natural, unadulterated condition, and yet in another state would not come up to what may be reasonably required.

Fifteenth.—Section 16-24, inclusive, has to do with milk and milk products, except the provision of section 22 as to the sale of preservatives, which applies to other food stuffs



as well as milk. These provisions have to do with the care and production of milk and care of milk utensils, the sale of milk and the methods of testing same are matters over which the Federal Government would have but limited supervision, while the State of Illinois, with her hundreds of thousands dairy cattle and dairy products, as she is the first dairy state in the Union, is most vitally interested and has very great responsibility.

Sixteenth.—So also are the provisions of sections 25 and 26 of the Illinois law in relation to lard, are very important food industries in the State of Illinois with her immense packing industries. And with this product, as with many others, the Federal Government regulates the same matters through another department—the Meat Inspection Department.

Seventeenth.—The matter of the regulation of "Oleomargarine and Process Butter" are conducted by the Federal Government through other departments than the Food Inspection Department. Hence, we see that the state, while it has the entire National Food Law embodied in the State law, and while it is also assuming control over certain things not embodied in the National Food Law, this, of itself, does not mean that it does not conform to national laws or that there is a conflict between the two laws.

#### MANUFACTURERS FOR UNIFORMITY.

It is obvious why wholesale dealers, manufacturers and packers of the various food products of our country should desire uniformity of legislation—State and National—they distribute these products to the retail trade, without reference to state lines.

They must conform to the National law if sold for Interstate Commerce, but in order that the goods they ship may be sold, by their customers in difference state it is necessary to comply with the State Food Law also.

#### CONSUMERS AIDED BY UNIFORMITY OF FOOD LAWS.

Where these differ from the National law and from each other in their requirements, it adds to the difficulty, the expense and the risk of the business in a way that has no reasonable ground for existing.

Therefore it is quite as important to the consuming public and the State and National Food officials as to the trade in food products, that all State and National Food Laws should be substantially uniform, for in no other way can there be a systematic and consistent enforcement of the laws, or any assurance that their purpose of protecting the consuming public against adulteration and fraud is attained.

#### STATES CONFORM TO THE NATIONAL LAW.

Already about thirty-five states have remodeled their laws after the National Food Law, and most all of the states seem to be satisfied with the rulings and standards made by the National food authorities, the National Food Law and standards and rulings then, under this law, can only be made effective by co-operation between the National and State authorities.

There should be no objection and little difficulty in the remaining states securing the acceptance by their State Legislatures, a law modeled after the National Food Law and giving permission to make rulings and fix standards in harmony therewith. With that accomplished, the question of enforcement is comparatively easy.

#### CONFLICT BETWEEN DIFFERENT FOOD OFFICIALS UNDESIRABLE.

While it is highly desirable that there should be no conflict in our Pure Food Laws—National and State—and while it is equally desirable that there should be no lowering of the standard, or no letting down the bars against adulterated and mislabeled foods—yet it is quite as desirable that in seeking to avoid conflicts, the State food authorities are not led into unnecessary conflict with the federal authorities.

Any state law that is in opposition to the National Law—on the questions of the proper labeling and standards for foods, cannot but cause confusion, and the conditions in the different states are so varied that it is believed by all those who have studied these questions there are no two states which would adopt the same food law.

However, all the states can easily adopt the national law by revising their laws and modeling them after the National Food Law and making standards and rulings in conformity with those made by the national food authorities, because all the various reputable food interests of the country are already complying with the National law and standards and rulings made thereunder.

#### FOOD SOLD ON VALUE RATHER THAN BY VOLUME.

Heretofore governments have been content to measure food

by the quart, the pound or the piece. The time has now come when foods need to be measured by their composition as to strength, purity and effect on the health, and the sanitary condition surrounding them should be carefully inquired into. This necessity is due to the fact that in the competition in trade which exists in all food products unscrupulous manufacturers and dealers are placing inferior goods upon the market without reference to their sanitary condition or notice of their adulteration to the great injury of the public both as pertains to value and health.

#### WORK OF ILLINOIS FOOD COMMISSION.

During the past year there have been over 6,000 samples taken and reported to the office of the State Food Department, not taking into consideration the tests made as to milk and dairy products. Some of these samples were taken for the reason that they were misbranded, or not properly labeled in conformity with the requirements of the State Food Law, and others to determine whether they were pure or wholesome or containing coloring matter and preservatives that were harmful. Of these samples analyzed, more than 3,800 were found to be pure, or to meet the requirements of the law, and about 2,200 were found to be adulterated, or mislabeled, and illegal and consequently in violation of our State food laws.

Upon the laboratory devolves the analytical work of determining what foods are adulterated or misbranded; also ascertaining the ingredients or substances used in the adulteration of foods; and also, to ascertain whether the ingredients or substances used are unwholesome or injurious to health, or used merely as an inferior or cheaper substance, or substances, and substituted wholly, or in part, for the real or genuine article.

The work of the laboratory has been quite extensive along the various lines of adulteration, especially as to the use of preservatives and coloring matter used in food and dairy products. It has been clearly demonstrated that the use of coloring matter and preservatives in food products has been carried to an extreme. The deleterious effects of their use upon the health of the people of the state has been clearly set forth in bulletins issued from time to time, as these investigations have been made. In this manner the public has been informed as to their harmfulness, as well as by hearings and prosecutions instituted against manufacturers and dealers.

During the past year our inspectors have visited all the cities of the state, investigating the milk supply, as well as inquiring into the quality of the butter—known as imitation butter—on the market. This work was started because the dairymen, milk dealers and peddlers in milk, process and renovated butter were not observing the law. The butter peddlers were selling process and renovated butter, for "pure butter" and the milk peddlers were selling watered milk and milk containing a preservative, such as formaldehyde, for "pure milk."

It was ascertained that a great deal of the butter that was sold as "pure butter" was imitation butter, such as process or renovated butter and oleomargarine, and that during the hot months of summer some of the milk contained formaldehyde and a great deal of it was watered and skimmed.

#### SUCCESSFUL PROSECUTION.

Many prosecutions have been begun and successfully conducted and convictions secured on account of these various violations, and the intention of the department in the future is to enforce these dairy laws more vigorously, and no leniency will be shown or immunity granted to the violators of these laws in the future, as these pure and wholesome butter and milk laws are more especially for the protection of the infants and for those who are sick, consequently require greater protection—as milk more especially is the common diet for infants and all those in bad health.

#### HEARINGS UNDER THE LAW.

The department during the past year has instituted 2,200 hearings; of that number about 300 have been prosecuted in the courts to a termination and 220 convictions were obtained.

There has been a great improvement during the past year in the food markets of the state. Manufacturers and packers of the various food products seem to be more in sympathy with our new state and national food laws and observing them with greater care than ever before. They are putting up the various foods with more care as to labels, as well as the ingredients contained in same, and submitting to the state food department their labels for inspection when in doubt as to the proper labeling of their goods. Not only is this true as to the manufacturers and packers of foods in our own state, but also as to those of adjacent states; and in each case where the label has been submitted for correction or



approval, it has received the prompt attention of the department.

#### BETTER FOOD MANUFACTURED.

There have been more and better foods manufactured, prepared and sold during the past year than in any previous year and the quality is better. More attention has been paid to the laws and rulings in regard to foods than ever before. Our state has more dairy and farm products than ever before in the history of the state, the quality is better and prices more remunerative; and if Illinois is to retain her place among the states of the Union and in the foreign markets, not only as the producer of more and better food products than any of her sister states, but also as receiving higher prices in the food markets of the world, then it is more necessary that these foods should be manufactured, prepared and packed in a proper and legal manner, and that the law and rulings providing for their manufacture, preparation and sale shall be fully complied with.

#### AIM OF THE STATE FOOD DEPARTMENT.

What the state food department is trying to do is to give the consumer a pure and wholesome article of food and to protect him against imposition and fraud and to give to the merchants who desire to sell only pure, honest goods the full benefit of the state food laws, in protecting them against dishonest competitors.

This department has put forth great effort to assist in the development of the dairy interests of the state. The work has been directed largely to the dairies, creameries, bottling plants and milk condensaries. This is good as far as it goes, but does not reach the foundation of the work. The work of education should begin at the dairy farms. Herds should be weeded out, barns should be made warmer and should be well lighted and ventilated, feed adjusted for more profitable milk production and, lastly, the milk properly drawn and cared for under sanitary regulation. Well ventilated stables and well balanced rations are necessary to large milk productions.

#### 85 PER CENT OF MANUFACTURERS COMPLY WITH FOOD LAWS.

It is now estimated that about 85 per cent of the manufacturers and packers of the various food products of the state are manufacturing and supplying the markets of the state with food products substantially in conformity with our new state and national food laws, and all of these manufacturers and packers, who furnished the capital for the management and control of this vast proportion of our food products, are satisfied with the law and are in favor of its execution and enforcement and are rendering to this department great help and moral support in the way of securing its enforcement; and it is only the estimated 15 per cent of manufacturers and packers of adulterated, misbranded and unwholesome food products that are opposed to our state food law and are attempting to evade, in every way possible, its enforcement.

#### DEPARTMENT CANNOT ANALYZE SAMPLES FOR DEALERS.

I again call attention to an impression that has gained considerable force throughout the state; that is, that the department should assist the dealer in determining the character and quality of his goods by receiving samples from the retailer, manufacturer or jobber, and analyzing them and returning a report as to the character of the goods. This might seem to a casual observer to be one of the most effective methods of suppressing the sale of unlawful goods, yet a closer observation of the effect of such a course will very soon convince almost any one that it would be impossible.

There are about 4,000 manufactories of foods and 16,000 retail grocery stores in the state, not counting the thousands of restaurants and booths and other places where foods may be sold and where the dealers may be interested in knowing the quality of the food sold. If these retail dealers of the state alone submitted but one single sample each of their goods for analysis, it would take up the entire time of our state chemists, leaving no time to attend to the analysis of suspected articles secured by our inspectors, and should this be the rule adopted, the retail dealer, in all probability, would only send in to the department a sample of his "pure goods" and not a sample of the adulterated or mislabeled foods, if he had any, in his store or place of business.

It is quite true that most consumers learn, by actual experiment, what sort of foods are most congenial to their stomachs and what are not acceptable to it. It is also true that physiologically, as well as spiritually, each person is a law unto himself. At times a food is assimilated perfectly by the stomach, while a short period later precisely the same sort of food affects the stomach very disagreeably, and the person imagines that the difference is due to a change in his health. And yet

it may simply mean the difference between pure, wholesome food and drugged food. It is important enough, then, to look the matter up, as since the passage of the new state and national food laws and the enforcement of the penalties for false labeling, the labels are much more truthful than they formerly were and a careful study of their contents may mean much.

#### THE BEST IS NONE TOO GOOD.

The head of the family is wise when he takes the ground that the best food in the market is none too good for himself and the members of his family. Pure and wholesome food has preserved many a valuable life and restored the sick and feeble to robust health, and since the passage of these pure food laws by the states there has been a notable increase in the length of human life.

#### LOOK AT THE LABEL.

The paramount question, then, is, Are the consuming public looking at the labels? The answer to this question in the negative is that unscrupulous manufacturers and venders in foods will be encouraged to put inferior and dangerous products upon the market. Its answer in the affirmative means the eventual withdrawal from the market of all falsely labeled food products containing chemical preservatives or made of impure, inferior and unwholesome articles. The result will be the increased health, longevity and happiness of the consumers of our state.

Properly labeled goods that are pure and wholesome may cost a little more than the inferior article could be purchased for, but there will be a decided saving in the end, both in the matter of preserved health, mental activity and actual effect of the genuine food.

It has been fully demonstrated that it takes much less of the genuine article of food to satisfy the hunger than of the drugged food or imitation product. This is a fact which should commend itself to the serious consideration of every consumer, and this is the doctrine promulgated by every pure food commission, and the effects of its teachings and enforcement have convinced the people of our state that it is right, and the enforcement of the state food laws are in the interest of the people, and courts and juries are ready and willing to enforce the penalties for false labeling.

#### STOCK FOOD GIVEN ATTENTION.

In addition to food and drink for the human family much attention has been given to the enforcement of the stock food law, regulating the manufacture, sale and analysis of concentrated commercial feed stuffs for feeding farm live stock and domestic animals generally.

The law provides that every lot or parcel of concentrated commercial feed stuffs shall have affixed thereto in a conspicuous place, on the label, on the outside thereof, a plainly printed statement clearly and truly certifying the name, brand or trade mark under which the article is sold for feeding purposes, the name and address of the manufacturer, importer or dealer, the net weight of the package, or the minimum percentage of crude protein, reckoning 1 per cent of nitrogen equal to 6¼ per cent of portein, crude fiber, and crude fat which is contained. If the feed stuff is sold in bulk, or it is put up in packages belonging to the purchaser, the agent, or the dealer, shall, upon the request of the purchaser, furnish him with a certified statement as above described.

The stock food law referred to in section 2 defines the term concentrated commercial feed stuffs as used in the act, and in section 3 what it shall not include; section 4, a penalty for a false statement; section 5 authorizes the state food commissioner, either in person or by deputy, to enter any premises where feed stuffs are stored, or sold, take samples of same and a penalty of from \$25 to \$100 for obstructing the commissioner, or his deputies, in and about taking samples, or discharging their duties.

Section 6 prohibits adulteration with any injurious substances and if a foreign substance is used it shall be plainly stated on the label, or package, and fix a penalty of not less than \$25 and not more than \$100 for each offense.

Section 7 makes it the duty of the state food commissioner to prosecute all violations under the law.

Section 8 makes it the duty of each manufacturer, importer, agent, or seller of any concentrated commercial feeding stuffs to pay annually, during the month of December, to the treasurer of the state of Illinois, a license fee of \$25 for each and every brand sold, or offered for sale.

Since the passage of the stock food law, May 18, 1905, and going into force July 1, 1905, it has been productive of great good to the commercial interests of the state as well as providing a pure and wholesome food product for the domestic animals of the state.

Illinois is one of the first states of the Union in the number



and value of domestic animals, consequently her interests in this law are greater than those of any of her sister states. Her great packing industries as well as her dairy interests depend upon a faithful enforcement of the law.

More attention has been given to the enforcement of the stock food law during the past year than of any former year. Mr. S. VanDuesen of Greenville, Ill.; Mr. Antone Spaeth of Mt. Carmel, Ill.; Mr. A. R. Lewis of Morrison, and H. W. Colver of Lanark, Ill., have been acting as stock food inspectors, and each of them will embody in this report an account of the work performed by them in the discharge of their duties as inspectors. Miss Lucy F. Doggett has acted as chemist for this department in the analysis of stock foods during the past year, and a full report of her work in analyzing the samples and discoveries made will be embodied in her report herein and attention is especially called to, not only her report, but that of the inspectors, to show, when compared with former years, the great improvement that has been made in the stock food markets of the state in the past three years, or since the stock food law went into force.

#### DEPARTMENT INVESTIGATED SANITARY CONDITION OF CREAMERIES.

The department has found that bad sanitary conditions exist in many of the dairies and creameries of the state, and it is therefore very important that the city health authorities of the different cities of the state should provide adequate protection to their people by a system of inspection that will do away with these evils, unfortunately very few cities have, as yet, realized the importance of this matter. It should be emphasized also, in this connection, that a mere examination, or test, of milk offered for sale is insufficient.

#### REPORT OF STATE ANALYST.

The report of Dr. T. J. Bryan, state analyst, records the progress made during the year of the work of the laboratory, and I desire to call your attention to his report of the results of analysis, and the discoveries made as to the sophistication of the various food samples analyzed by the different chemists.

Illinois now has one of the best equipped laboratories of any state in the Union, as during the past year the laboratory has been entirely remodeled and changed to meet the new conditions of the state food department, and I take special pleasure in calling attention to the report and the work performed in the laboratory, as Dr. Bryan's report will also cover the work performed by his five assistant chemists.

In considering the volume of the work accomplished by the chemists, the difficulties of analyzing and reporting on samples, attention is especially called to the analysis and reports of same on vinegar, pure apple cider, milk, gelatine, ketchup, spices, extracts, unfermented fruit juices, honeys, liquors, canned goods, confectionery, etc., especial attention has been given to these subjects.

#### REPORT OF ASSISTANT COMMISSIONER.

I desire, also, to call your attention to the report of H. E. Schuknecht, assistant commissioner, who has given especial attention to dairy products, oleomargarine, etc.

#### ACKNOWLEDGMENT TO PRESS.

The commissioner begs leave to make grateful acknowledgment of the valuable assistance rendered this department by the daily newspapers of Chicago and the press generally of the state, as well as the various food journals and magazines of the state, as the friendly assistance so freely given has been at all times not only a great help and assistance but an inspiration and incentive to renewed efforts to enforce the dairy and food laws with greater zeal. Their assistance in giving to the public the work accomplished by this department as well as publishing the bulletins issued from time to time, and their sympathy and approval of the difficulty performed, afforded genuine pleasure and much encouragement. The help received from these sources is incalculable, as it has built up a sentiment in the state that has done much to purify the food markets of the state, and thanks are due and hereby freely acknowledged for their sympathy and courtesies extended.

I also wish to call attention to the Principles and Tentative Standards for the food products.

#### GENERAL SUMMARY AND CONCLUSIONS.

I have arranged this report for publication as follows:

- First—Members.
- Second—Letter of Transmittal.
- Third—Table of Contents.
- Fourth—Report Alfred H. Jones, Commissioner.
- Fifth—Report H. F. Schuknecht, Assistant Commissioner.
- Sixth—Report T. J. Bryan, State Analyst and of Laboratory, including tables of analyses, etc.

Seventh—Report Miss Lucy F. Doggett, Stock Food Chemist.

Eighth—Report of Food Inspectors.

Ninth—Report of Stock Food Inspectors.

Tenth—Report suits brought, disposed of and still pending.

Eleventh—Financial Statement.

Twelfth—New State Food Law.

Thirteenth—Stock Food Law.

Fourteenth—Statement of Principles adopted by State Food Commission.

Fifteenth—Food Standards.

Sixteenth—Instructions to Inspectors.

Seventeenth—Supreme Court Decisions—Forms of Indictment, etc.

Eighteenth—Bulletins issued since the passage of the New Food Law.

Nineteenth—National Food Law—Appendix.

Twentieth—Index to Report.

All of which is respectfully submitted,

ALFRED H. JONES,  
State Food Commissioner.

#### BULLETIN NO. 11, ILLINOIS FOOD COMMISSION

##### EGGS.

It has come to the attention of this department that cold storage eggs and other kinds of stored eggs and held eggs are being sold as "fresh eggs," "strictly fresh eggs," "best eggs," and under other names leading the consumer to believe them to be fresh eggs.

Eggs are a perishable food and begin to deteriorate immediately after their production. This deterioration, while not so rapid when eggs are properly stored as when they are subjected to the ordinary atmospheric conditions and changes, can nevertheless be detected. Stored eggs, held eggs and preserved eggs are sold as fresh eggs with the intention and result of perpetrating a fraud. The fraud is the same in character whether perpetrated by the cold storage man, the retailer or the farmer.

The sale of such misbranded eggs has been the subject of successful prosecution by the United States government in the District of Columbia.

The sale of misbranded eggs is clearly forbidden by the Illinois State Food Law and will subject the vendors to prosecution.

A. H. JONES.

State Food Commissioner.

Chicago, January 1, 1909.

#### FINED FOR VIOLATING FOOD ACT.

Judge Landis in the United States District Court fined the Thomson-Taylor Spice Company \$200 and the Eyclin Company \$100 for violations of the Pure Food Act. Representatives of the spice company pleaded guilty to two charges and it was fined \$100 on each charge.

The Thomson-Taylor Company is alleged to have misbranded bottles of lemon extract shipped to Kansas City grocers in two instances. In pleading guilty the company maintained that its violation of the law was merely technical and that the evil it was charged with had been remedied. The Eyclin Company was charged with misbranding a bottle of eye remedy shipped in interstate commerce to Washington, D. C. The company also maintains that its violation was technical and that it had changed its branding of bottles to conform with the law.

Two cases against Reid, Murdoch & Co. were dismissed at the direction of the Department of Agriculture, which was instrumental in bringing the cases against the firms.

#### INTERNATIONAL PURE FOOD CONGRESS.

Consul Francis B. Keene transmits resolutions and decisions of the so-called White Cross Congress held at Geneva, Switzerland, September 8-12 for the purpose of establishing standards of purity for foods and drugs. The papers transmitted are published in French and deal with cocoa, chocolate, coffee, tea, mustard, spices, grains, bread, alimentary pastes, pastry, flour and meal, sugar, sirup, confectionery, honey, meats, mineral waters and drugs. The proceedings are on file in the bureau of manufactures and may be consulted by those interested in the subject.



# Proposed Sanitary Inspection Law for States.

Prepared by Committee on State Sanitary Inspection Law, appointed at the Twelfth Annual Convention of the Association of State and National Food and Dairy Departments.

Food authorities who have had to do with work of inspection, who have become familiar with some of the sanitary conditions existing in shops and factories, where little or no care is exercised in sanitary matters, have long felt the necessity for a proper law which would regulate the sanitary conditions in such places.

The Association of State and National Food and Dairy Departments at their annual convention at Jamestown, Va., in 1907 adopted the following resolution:

"Resolved, That sanitary inspection should be extended to include small slaughter houses, small poultry and killing houses, creameries, cheese factories, dairy farms, milk depots, ice cream factories, restaurants, hotels, groceries and meat markets and all other places where food is produced, manufactured, stored or offered for sale, and that such inspection should include the sanitary condition of the buildings and utensils, herds, workmen and their clothing, and the condition of the raw material and the finished product."

The President of the Association of State and National Food and Dairy Departments in his annual address at the Mackinac meeting, recommended that a committee be appointed to draft a bill in accordance with the resolutions above named. The association directed that such a committee be appointed and that they be instructed to prepare a bill for a sanitary measure in accordance with these provisions. The committee named were as follows:

H. E. Barnard, Indiana, Chairman.

E. H. S. Bailey, Kansas.

T. J. Bryan, Illinois.

Geo. M. Flanders, New York.

L. Davies, Washington.

J. H. Worst, North Dakota.

Chas. D. Howard, New Hampshire.

The committee formulated a bill to be modified and adapted to the conditions in the several states. In some states it will be necessary to change the wording to correspond with the title of the officer or department who has the enforcement of the law, but it is believed that the law should be enforced by the same department as has the enforcement of the Food and Drug Act of the state.

Two titles for the bill are presented, A and B, a short and a long title, to meet the requirements under the constitutional provisions of the various states. The bill as prepared by the committee is as follows:

## TITLE "A."

A bill for an act to promote the sanitary production and distribution of food and defining the duties of (State and local Board of Health) (State Food Commissioner) in relation thereto.

## TITLE "B."

A bill for an act providing for the sanitation of bakeries, canneries, packing houses, slaughter houses, dairies, creameries, cheese factories, confectioneries, restaurants, hotels, groceries, meat markets, and all other food producing establishments, manufactories or other places where food is prepared, manufactured, packed, stored, sold or distributed, and vehicles in which food is placed for transportation, regulating the health of operatives, employees, clerks, drivers and all other persons working on the premises who handle the material from which food is prepared or the finished product; defining food; regulating the wholesomeness of food manufactured, prepared, packed, stored, sold, distributed or transported, and defining the duties of (State and Local Boards of Health) (State Food Commissioner), and providing penalties for the violation thereof.

Section 1. Be it enacted by the General Assembly (Legislature) of the State of ..... that every building, room, basement or cellar occupied or used as a bakery, confectionery, cannery, packing house, slaughter house, dairy, creamery, cheese factory, restaurant, hotel, grocery, meat market or other place or apartment used for the preparation for sale, manufacture, packing, storage, sale or distribution of any food, shall be properly lighted, drained, plumbed and ventilated and conducted with strict regard to the influence of such condition upon the health of the operatives, employees, clerks or other persons therein employed and the purity and wholesomeness of the food therein pro-

duced: and for the purpose of this act the term "Food" as used herein, shall include all articles used for food, drink, confectionery or condiment whether simple, mixed or compound and all substances or ingredients used in the preparation thereof.

Sec. 2. The floors, side walls, ceilings, furniture, receptacles, implements and machinery of every establishment or place where food is manufactured, packed, stored, sold or distributed, and all cars, trucks and vehicles used in the transportation of food products, shall at no time be kept in an unclean, unhealthy and unsanitary condition, and for the purpose of this act, unclean, unhealthy and unsanitary conditions shall be deemed to exist if food in the process of manufacture, preparation, packing, storing, sale, distribution or transportation is not securely protected from flies, dust, dirt and, as far as may be necessary by all reasonable means, from all other foreign or injurious contamination; and if the refuse, dirt and the waste products subject to decomposition and fermentation incident to the manufacture, preparation, packing, storing, selling, distributing and transporting of food, are not removed daily; and if all trucks, trays, boxes, baskets, buckets and other receptacles, chutes, platforms, racks, tables, shelves and all knives, saws, cleavers and other utensils and machinery used in moving, handling, cutting, chopping, mixing, canning and all other processes are not thoroughly cleaned daily, and if the clothing of operatives, employees, clerks or other persons therein employed is unclean.

Sec. 3. The side walls and ceilings of every bakery, confectionery, creamery, cheese factory, hotel and restaurant kitchen, shall be well plastered, wainscoted or ceiled with metal or lumber and shall be oil painted or kept well lime washed, and all interior wood work in every bakery, confectionery, creamery, cheese factory, hotel and restaurant kitchen, shall be kept well oiled or painted with oil paints and be kept washed clean with soap and water; and every building, room, basement or cellar occupied or used for the preparation, manufacture, packing, storage, sale or distribution of food, shall have an impermeable floor made of cement or tile laid in cement, brick, wood or other suitable nonabsorbent material which can be flushed and washed clean with water.

Sec. 4. The doors, windows and other openings of every food producing or distributing establishment during the fly season shall be fitted with self closing screen doors and wire window screens of not coarser than 14 mesh wire gauze.

Sec. 5. Every building, room, basement or cellar occupied or used for the preparation, manufacture, packing, canning, sale or distribution of food, shall have convenient toilet or toilet rooms separate and apart from the room or rooms where the process of production, manufacture, packing, canning, selling or distributing is conducted. The floors of such toilet rooms shall be of cement, tile, wood, brick or other nonabsorbent material and shall be washed and scoured daily. Such toilet or toilets shall be furnished with separate ventilating flues or pipes, discharging into soil pipes, or on outside of the building in which they are situated. Laboratories and washrooms shall be adjacent to toilet rooms and shall be supplied with soap, running water and towels, and shall be maintained in a sanitary condition. Operatives, employees, clerks, and all other persons who handle the material from which food is prepared, or the finished product, before beginning work or after visiting toilet or toilets, shall wash their hands and arms thoroughly in clean water.

Sec. 6. Cuspidores for the use of operatives, employees, clerks or other persons shall be provided whenever necessary, and each cuspidore shall be thoroughly emptied and washed out daily with disinfectant solution and five ounces of such a solution shall be left in each cuspidor while it is in use. No operative, employee, or other person shall expectorate on the floor or sidewalls of any building, room, basement, or cellar where the production, manufacture, packing, storing, preparation, or sale of any food is conducted.

Sec. 7. No person or persons shall be allowed to live or sleep in any room of a bakeshop, kitchen, dining room, confectionery, creamery, cheese factory, or place where food is prepared, served or sold.

Sec. 8. No employer shall require, permit or suffer any



person to work, nor shall any person work, in a building, room, basement, cellar or vehicle occupied or used for the production, preparation, manufacture, packing, storage, sale, distribution and transportation of food who is affected with any venereal disease, smallpox, diphtheria, scarlet fever, yellow fever, tuberculosis, or consumption, bubonic plague, Asiatic cholera, leprosy, trachoma, typhoid fever (epidemic), epidemic dysentery, measles, mumps, German measles, (Roth-chin), whooping cough, chicken pox or any other infectious or contagious disease.

Sec. 9. The Chief Inspector or Deputy Inspector or agent of the State Food Commissioner, State Board of Health, shall have full power at all times to enter and inspect every building, room, basement, or cellar occupied or used for the production for sale, manufacture for sale, storage, sale, distribution or transportation of food and all utensils, fixtures, furniture and machinery used as aforesaid, and if upon inspection any food producing or distributing establishment, conveyance, employer, operative, employe, clerk, driver or other person is found to be violating any of the provisions of this act, or if the production, preparation, manufacture, packing, storing, sale, distribution or transportation of food is being conducted in a manner detrimental to the health of the employes and operatives and the character or quality of the food therein being produced, manufactured, packed, stored, sold, distributed or conveyed, the officer or inspector making the examination or inspection shall furnish evidence of said violation to the (District Prosecutor, Prosecuting Attorney) who shall prosecute all persons violating any of the provisions

of this act, or shall report such conditions and violations to the State Food Commissioner (State Health Officer), who shall issue an order to the person or persons in authority at the aforesaid establishment to abate the condition or violation or make such improvements as may be necessary to abate them, within the period of five days or such reasonable time as may be required in which to abate them. Such order shall be in writing and the person receiving the order shall have the power of appeal from the order and instructions, and may within five days from the issuance of the order appear in person or by attorney before the State Food Commissioner (State Health Officer) to give reason why such order or instruction should not be obeyed.

Sec. 10. Any person who violates any of the provisions of this act or who refuses to comply with any lawful orders or requirements of the State Food Commissioner (State Health Officer) duly made in writing as provided in Section 9 of this act, shall be guilty of a misdemeanor and on conviction shall be punished for the first offense by a fine of not less than \$10.00 nor more than \$50.00; for the second offense by a fine of not less than \$50.00 nor more than \$100.00 and for the third and subsequent offense by a fine of \$200.00 and imprisonment in the County Jail for not less than 30 nor more than 90 days and each day after the expiration of the time limit for abating unsanitary conditions and completing improvements to abate such conditions as ordered by the State Food Commissioner (Health Officer) shall constitute a distinct and separate offense.

## Hearing at Atlanta, Ga., December 1-2, 1908

BEFORE THE CONVENTION OF

### FOOD CONTROL OFFICIALS

of Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Louisiana, Tennessee, and Arkansas, on Sulphur Dioxide in Syrups and Molasses

And the Resolutions there Adopted, Together with a letter to the President of the United States from the Presidents of the Louisiana Sugar Planters' Association, the Louisiana Sugar Exchange, and the National Molasses Refiners' Association.

The meeting was held at the capitol building, Mr. B. J. Purcell, deputy commissioner of Virginia, presiding, and there were present:

Mr. C. D. Harris, chemist, of North Carolina.

Mr. B. B. Ross, chemist, of Alabama.

Mr. W. F. Hand, chemist, of Mississippi.

Mr. L. T. Brown, pure food and drug inspector, Tennessee.

Dr. H. P. Jones, analyst, Louisiana state board of health.

Dr. D. Harvey Dillon, president Louisiana state board of health.

Prof. J. T. Halsey, M. D., of Tulane University.

Wm. Stoddard, chemist, of Arkansas.

R. E. Stallings, chief board of agriculture, Georgia, acting secretary.

F. L. Parker, Jr., chemist, board of health, South Carolina.

Dr. Dillon stated that Louisiana desired to be heard on the question of sulphites in syrup and molasses, and called on Prof. Halsey, Tulane University, who spoke as follows:

In order that what the speaker has to say may carry with it any weight or conviction, it is essential that he acquaint his audience with his qualifications for having an opinion on this subject. This makes it necessary for him to be somewhat egotistical at the start in stating that for the past four years he has occupied and still occupies the chair of materia medica and therapeutics at the Tulane University of Louisiana, that he prepared himself for this position by fourteen years of study and experiment, nine of which were spent in the exclusive study of physiology, especially in its chemical, pharmacological and metabolic aspects, and that he, therefore, feels that he is in a position to judge with intelligence the conclusions drawn by Dr. Wiley in regard to the effects of sulphurous acid and the sulphites as published in Bulletin No. 84, part 3.

This bulletin has been studied diligently by the reader, page by page, and he believes that nothing of importance in it has escaped his notice. As a result of this careful study and analysis of Dr. Wiley's own experimental data he concludes that it is his emphatic opinion that the results obtained by Dr. Wiley and his assistants do not justify the conclusions drawn by Dr. Wiley and published in the above mentioned bulletin.

The reason for this conclusion of the speaker is as follows:

1st. The administration of the sulphite to subjects one to

six in capsules was a grave error in technique, sufficient in itself to rob the experiment of any demonstrative value. Any salts coming in contact with the mucous membranes of the alimentary canal will, if in concentrated solution, cause more or less irritation, and this is just what is almost certain to occur whenever salts are administered in such amounts and in capsules as was the case with these subjects. Dr. Wiley does not state in what concentration the sulphurous acid was administered to subjects seven to twelve and this makes it impossible to state whether the concentration was so great as to lead to an inevitable irritation of the mucous membrane. Results obtained in this fashion cannot correctly be held to show that sulphurous acid or sulphites in low concentration would produce similar results.

2d. There was no provision in the experiments to avoid psychic effects due to suggestion or auto-suggestions, as the poison squad were all aware of when they were taking the supposed poison and when they were not. Many of the symptoms noted and to which Dr. Wiley attributes significance were of the sort which every physician of experience knows may well be and frequently are the result of psychic influence.

3d. The amount of preservative administered was much larger than would be at all likely to be ingested by any possible consumption of molasses.

4th. A careful study of the data given in the bulletin leads the speaker to exclude as improper subjects for such experimentation all but five of the twelve subjects used by Dr. Wiley.

5th. Subjects 1, 2, 9, 10 and 11, which are left after this exclusion, all gained weight during the periods in which the preservative was administered. The nitrogen balance with these subjects was a positive one during the preservative period. These two facts both indicate strongly that the preservative was doing no harm, and especially that it was not affecting the general processes of metabolism unfavorably.

6th. Dr. Wiley claims that the figures obtained by analysis of the feces during the three periods speak in favor of the preservative having affected absorption unfavorably. His average figures are for dry material 110 grams in the fore period, 118 in the preservative period and 119 in the after period, figures which are insignificant in their differences and which might well have been obtained in any metabolism ex-



periments where no injurious substance had been fed, for it is a matter of common knowledge that in metabolism experiments absorption in the early stages of the experiment is often much better than in the later stages, and it is to be noted that the figure for the after period is identical with the figure for the preservative period.

7th. Dr. Wiley draws the inference that the increase in the amount of urine excreted in the preservative period is indicative of a harmful action. He appears not to be aware of two essential facts in this connection—viz.: that the sulphites, if absorbed as sulphites, must immediately be transformed in the blood to sulphates, and that sulphates are diuretics and, under normal conditions at least, harmless ones.

8th. The results obtained by examinations of the blood show certain minimal deterioration of the blood condition, according to Dr. Wiley, but these differences are so slight that any one acquainted with the limits of exactness in the methods used for the determinations and the normal variations from hour to hour in the blood composition would consider such conclusions as are drawn by Dr. Wiley to be in the highest degree questionable.

9th. The figures as regards fat absorption and the calories balance are again interpreted by Dr. Wiley as indicating deleterious action of the preservative. In reality, however, the differences are so slight as to negative this conclusion.

Summarizing this matter, the speaker expresses his conviction that the experiments in Bulletin 84, part 3, do not justify the conclusion that the sulphites present in any syrup or molasses used as food are present in large enough quantities to have any deleterious effects on any consumer of this article.

In his opinion these experiments justify only the conclusion that these large amounts of sulphites and sulphurous acid ingested in the abnormal manner and unfavorable conditions of the experiment, would appear to have caused a limited amount of abdominal discomfort, such as would be almost an inevitable result of administering non-poisonous salts or acids, under like conditions.

Dr. Hamilton P. Jones, Louisiana state analyst, read the following:

I should like to discuss for a few moments Bulletin No. 84, part 3, bureau of chemistry, U. S. Department of Agriculture, entitled "Influence of Food Preservatives and Artificial Colors on Digestion and Health," dealing particularly with sulphurous acids and sulphites.

A careful study of this bulletin, upon which Dr. Wiley bases his prohibition of the use of sulphurous acids and sulphites, convinces me that the evidence put forward does not warrant the conclusions reached, viz.: That their use disturbs the digestion and causes to produce albuminuria and casts.

In the first place, the form of administration of the substances experimented with was an unnatural one, and the quantities given were far in excess of any that would ever be taken in the natural course of food taking. It is not improbable that the liberation within a circumscribed area of the stomach of sodium sulphite from a capsule would cause local irritant effects, producing inflammation and secondary evidences of indigestion. It would be just as improper to study the effects of baking powder on the human system by administering it in capsules or in solution after each meal.

A good many of the men selected for the purposes of these experiments should not have been used, inasmuch as some of them had already been submitted to another series of experiments, from which they had not had time to recover. Some of them seemed to have suffered from conditions which must have existed prior to the time of experiment, these conditions being ascribed to the evil effects of the drug, notably No. 3, and, judging by the description published in the bulletin, No. 3 probably suffered from an ordinary attack of megrain or hemicrania, sometimes known as sick headache. If this be correct, this man must have had attacks of this sort at previous times.

In so far as the nitrogen, phosphoric acid and sulphur balances are concerned, the differences were so slight in the various periods as to be well within the possible margin of error and should be discarded in a consideration of this sort. Especially is this true in reference to the phosphoric acid balance, where so many factors have to be considered and guarded against in properly conducted metabolism experiments; for instance, the amount of calcium present in the food, the alkalinity or acidity of the gastro-intestinal juices, the amount of water taken and also the amount of bodily and mental activity.

Where indigestion was claimed to have been produced during these experiments no analysis of gastric contents or vomit was submitted, so the real condition of the gastro-intestinal secretions is not known.

The appearance of casts in the urine have no special bearing upon the case in hand, for the reason that it is well known that casts are often thrown off with or without albuminuria as a result of physical exercise, without there being any organic disease whatsoever or any irritating substance taken. In so far as albuminuria is concerned, the cases were not carefully enough studied prior to the experiment, and its presence was so variable during the period of experimentation as not to justify any conclusion based upon its presence. Dr. Wiley himself says in this bulletin: "These limited data are not sufficiently decisive to establish any general effect as produced by the preservatives, and further studies were made of this point in the special series, as before mentioned, where the same contradictory evidence is furnished by the data obtained for five men, which precludes the drawing of any conclusion in regard to the production of albumin in the urine by this preservative."

The blood pressure of the various individuals experimented upon was not determined. While determining the blood pressure may not be essential to the satisfactory conduct of such experiments, at the same time a man with a high blood pressure would be subject from time to time to an albuminuria transient in character, and not dependent upon either sulphurous acid or sulphites.

The whole work is of too superficial and light a character to base any of the conclusions on that were offered regarding the harmful effects of sulphurous acid and sulphites, and the experiment should be repeated in a more careful manner and more thoroughly.

The most careful experiments carried on by the agricultural experiment station of the Louisiana State University and A. & M. College, Baton Rouge, with the co-operation of the Louisiana state board of health, on the effect on the human system of Louisiana manufactured syrups and molasses, by R. E. Blouin, P. E. Archinard and J. A. Hall, Jr., developed a series of results completely at variance with the findings of Dr. Wiley, where the subjects experimented upon uniformly improved in health, digestion, mental and bodily vigor. The hemoglobin content and blood counts in both these series of experiments show absolutely no harmful or deleterious effect on the blood by either sulphurous acid or sulphites.

As you well know, there is no authenticated instance of any one ever having been made sick by Louisiana molasses, which it has been the custom to clarify by the use of sulphur almost since the beginning of this industry in the United States. Dealers in molasses who sample it constantly, members of the Sugar Exchange, who are constantly tasting it, are men of splendid physique and fine digestion; in fact, it would be hard to find a healthier set of men than these.

Sulphites have been used in medicine to a great extent, particularly as preventives in the spread of contagious and infectious diseases, and I take pleasure in reading the following communication from Prof. Elliott, for a number of years professor of theory and practice of medicine at Tulane University:

Highland, N. C., Nov. 20, 1908.

Dr. Hamilton P. Jones, Analyst, Louisiana State Board of Health:

Dear Hamilton: In reply to your letter of the 16th I would say that I regret that I am separated from all data that I have upon the sulphites and their action. There is an article in the New Orleans Medical and Surgical Journal of date January, 1880, by me, after a full medical test of sulphites as a preventive in an epidemic. I had other unpublished data of four experiments with the sulphite of soda upon the healthy individual. I have lost these, so that I can only give you an opinion.

As a preventive against scarlet fever I gave my own children, four in number, seven and one-half grains sodium sulphite, three times a day for about three months. These children varied in age from seven years to infancy; the salt was in simple aqueous solution. These children remained in perfect health, and I thought them in better health at the end of the experiment than at the beginning. The same result was obtained on about a hundred other boys and children on whom I tried the sulphites. I could detect no harmful effects upon the excretions. I have always since these experiments regarded sodium sulphite as not only without danger to the organ, but as certain to improve the general health. \* \* \* A very long course of careful experiment upon perfectly healthy patients should be tried before sulphur should be condemned as hurtful.

Sincerely yours,

JOHN B. ELLIOTT.

Sulphur is a normal constituent of all vegetables from which



sugar, syrups and molasses are derived, and I have been reliably informed, by representatives of the national bureau of chemistry, that sugar cane syrups manufactured without the use of sulphurous acid or sulphites in any part of the process will show on analysis for sulphites from 40 to 60 mgms. of  $\text{SO}_2$  per kilo. So that according to our present knowledge on analysis  $\text{SO}_2$  is a normal constituent of all syrups and molasses. There is no process at present known that enables us to differentiate between the organic and added sulphur content of the syrup. Sulphur is used in the process of manufacture of sugar, syrups and molasses solely as a clarifying agent for the purging out of objectionable resins, gums and coloring matter from the juices, and never as a preservative, and it is not proper to place it in the same category with other chemical preservatives.

The commercial aspect of this subject is of extreme importance to Louisiana and some of the other southern states, for the reason that unless sulphur is used in the clarification of sugar house juices, it is impossible for the planters to manufacture an article of sugar that would be acceptable to the consumer. The result would be if he were deprived of the privilege of using sulphur that he would be compelled to sell all of his output to refineries where bone black is used, and probably at trust prices. In other words, there would be no more of the ordinary "grocery" grades of sugar on the market.

Dr. Wiley's experiments at Evergreen plantation in 1907 were conducted by that gentleman and his assistants with a view of obtaining a product of sugar, syrup and molasses which would be of the highest commercial value to the planter.

These experiments were made, first, without any clarifying agent; second, with lime as a clarifying agent; third, with lime and sulphur dioxide; fourth, with lime and phosphoric acid.

Dr. Wiley assured the representatives of the New Orleans Sugar Exchange, both in person and by letter, that these products when made would be submitted to the exchange and offered for sale in the regular course of procedure. With these promises the doctor failed to comply. These products were shipped to New Orleans from Evergreen plantation under seal, were received at the docks by one of the department agents, who positively refused the representatives of the Sugar Exchange any sample, and he reshipped them to Washington, where they were subsequently sold to parties in the department.

With the promise of Dr. Wiley in writing, Mr. D. D. Colcock was able to secure from Secretary Wilson an order on the department to deliver samples of the sugar and molasses for the appraisalment by the Sugar Exchange, said samples being appraised as follows:

The Louisiana Sugar and Rice Exchange,  
New Orleans, La., Jan. 22, 1908.

We, the undersigned committee appointed to represent the Sugar Planters' Association, Louisiana Sugar Exchange and National Molasses Refiners' Association, beg to report that we have examined three samples of sugar marked:

- No. 1. (Sulphur.)
- No. 2. (Half sulphur.)
- No. 3. (No sulphur.)

And we find that for distribution to the consumers of the United States there is an approximated difference in commercial value of  $\frac{1}{4}$  cent per pound between each sample, the sugar made with sulphur being fully  $\frac{1}{4}$  cent better than that made with only one-half sulphur, and the sample made without the use of sulphur is fully  $\frac{1}{2}$  cent per pound poorer than that made with sulphur.

Respectfully submitted,

(Signed):

R. B. SCUDDER  
G. O. ALLAIN,  
E. A. RAINOLD,  
JAS. J. D'AQUIN.

The Louisiana Sugar and Rice Exchange,  
New Orleans, La., Jan. 22, 1908.

We, the undersigned committee appointed to represent the Sugar Planters' Association, Louisiana Sugar Exchange and National Molasses Refiners' Association, beg to report that we have examined three samples of molasses marked:

- No. 1. Sulphur.
- No. 2. Half sulphur.
- No. 3. No sulphur.

A: Value—Sample No. 1 is worth 6 to 7 cents more than No. 2; No. 2 is worth 6 to 7 cents more than No. 3.

B: Flavor—

Sample No. 1—Good.

Sample No. 2—Fair.

Sample No. 3—Poor and undesirable.

C: Color—

No. 1—Always in demand.

No. 2—Moderate demand.

No. 3—Demand for only limited quantities.

D: Body—Standard on No. 1, No. 2 and No. 3.

E: Baking quality of three samples submitted is by soda test poor.

Respectfully submitted,

(Signed):

T. J. SALVANT,  
PHILIP BODENHEIMER,  
GEO. W. BOUTCHER,  
RICHARD M. MURPHY,  
L. J. CRUMB.

Dr. Dillon then called on Mr. Shilstone, who read the following:

THE NECESSITY FOR THE USE OF SULPHUR IN THE SUGAR INDUSTRY OF THE SOUTH.

Herbert M. Shilstone, Chemist for Penick & Ford, Ltd.  
Atlanta, Ga., Nov. 30, 1908.

Under the above heading the use of sulphur in sugar making was taken up by me in a rather broad sense in an article published by the Journal of Commerce on April 3. I will attempt to treat the matter in a more scientific manner for your consideration.

The primary question to be asked and investigated is why sulphur or the fumes of burning sulphur are used and have been used by the sugar industry since 1810.

Such chemicals as lime, sulphur and phosphoric acid, which are used in the sugar industry for the purpose of removing or destroying certain coloring matter, which, if left unchanged during the process of manufacture from cane juice to sugar and molasses, would cause the production of a product of an inferior color and flavor and be not fit for consumption. These chemicals are never used for preserving or bleaching purposes, but the combination of sulphur and lime as at present used in Louisiana has been shown by exhaustive experiments to be the only method known of removing the major portion of the impurities which exist in the Louisiana sugar cane, and which are not removed by these agents individually, and are only removed when the same are combined in the proper manner for the purpose of clarification.

The question may be asked, and would better be answered here, why do we need to use sulphur in this country, when for years a high class of product is produced in the tropics, where sulphur is only a recent addition? We find in the south the actual growth of the cane plant covers a period of barely nine months, when the actual maturity of the cane to its point of production of seed at which period deterioration commences, is twelve months under the most favorable conditions, and at present in those of the West India islands where the soil has been producing crop after crop for over a hundred years with very little if any assistance from the addition of fertilizer, the cane is allowed to grow for eighteen months. We can readily appreciate that nine months' growth only permits of a partial maturity of the saccharine matter, leaving a large percentage of albumenoids and other bodies which have to be gotten rid of. These bodies, if not eliminated, not only prevent the sugar which is in the juice from properly crystallizing, but, owing to their ready decomposition, by heat, darken very rapidly in the process of operation, and so destroy the natural color of the product.

The use of sulphur dioxide in the process of manufacture is not used as a preservative, but as a collaborator with the milk of lime in precipitating as sulphites these impurities. We do know that on heating a solution of albumenoids the major portion of them are precipitated, but in the rapid process of manufacture which has to be conducted in a sugar refinery, where millions of gallons of juice are handled a day, it would be impossible to wait for a precipitate of such a light specific to settle. We therefore have to resort to some other means of eliminating this precipitate.

When sulphur is burned in air sulphurous acid gas is formed. The use of sulphurous acid in sugar work was first recommended in 1810 by Proust. The method of the manipulation of this acid has been carried through various changes. Being an acid, if improperly used, it is capable of creating great losses in the yield of crystallizable sugar, besides hindering the process of manufacture. It is of interest to note, referring to an old manual published in 1868 by Roret, and comparing it with the present methods which have been tried for introducing sulphur dioxide into the juice, that the direction for its use at the date is exactly as the method of today.



Something over forty years ago the clarification of cane juice with the assistance of sulphurous acid became a recognized method. After the first successful experiments in France it was believed that sulphurous acid was a universal panacea, decolorizing, purifying and sterilizing to the point of dethroning bone black, which up to that time had been used for the purpose. In reality it does all of these, provided that it be utilized at the proper moment and under the proper conditions.

Is sulphurous acid a purifier? In 1884 Mr. Battua showed that it is, if the raw juice be acted upon. He tested juices from the process of a beet factory and found that .363 grams of sulphurous acid had precipitated an average of .441 grams of coloring matter and albumenoids. Here was a purification well defined and quite characteristic.

For your information I will say the method of the clarification of cane juice at present in use is as follows:

The juice after leaving the mill is passed over shelves in contact with the fumes of burning sulphur. It is then taken to the clarifiers, where milk of lime is added to a point acidity or alkalinity, which is indicated by the class of product to be produced. When high-grade sugars and molasses are desired, the juice is allowed to remain with an acidity equivalent to that of its normal acid contents, but where 96 degree sugars are being made for the purpose of sale to the refiners, a point of alkalinity is kept in the clarified juice, as it is at this point where experience has proved it is most acceptable for crystallization.

With these facts before you, it is plain that sulphur is not used as a preservative. When we use a preservative in a food product, we must have these preservatives in excess. As I have shown, we never permit the presence of sulphurous acid in excess of its combining power of those bases which the normal juices contain. Considering the advantages attained by sulphur dioxide, we find its reducing action destroys by precipitating a large per cent of the coloring matter, which if it were not used, under the present known methods of clarification would still remain in solution in the juice.

The use of lime alone causes the formation of certain organic salts of lime, which are injurious in the manufacture, but if this lime juice be sulphured, there are formed organic sulphites and the sulphite of lime, which on heating is readily precipitated.

As far as the combination in which the sulphites remaining in the molasses exists, we have been so far unable to confirm our ideas with any degree of accuracy, but the bare fact that if a syrup which has been made with the assistance of sulphur dioxide is allowed to remain exposed to the action of the atmosphere; or, if oxygen be introduced into such syrup, there is a rapid darkening of the product, which is undoubtedly the result of oxidation. With these facts before us, we must appreciate that the major portion of the sulphur present is combined with some of the organic constituents of the syrup, and we know that the major part of the organates of the corrosive acids have been found to be non-toxic in their action.

The experiments by the Board of Health of the State of Louisiana, made on a number of negroes by feeding them, along with their regular food, all the molasses they cared to consume without any compulsion, was conclusive in its results, showing, from a physiological standpoint, no injurious effects upon their systems; and, until more conclusive evidence to the contrary is furnished, we hope to continue feeding our servants and ourselves on a staple food which has proved to give health rather than injury to our bodies.

Respectfully submitted,

HERBERT M. SHILSTONE,

Consulting Chemist for Penick & Ford, Ltd.

Mr. Shilstone also submitted the following paper:

DISCUSSION ON THE SULPHUR QUESTION AT THE MEETING OF THE SOUTHERN FOOD CHEMISTS AT ATLANTA, GA.

Owing to the fact that the remarks which were made by me, after I had read my paper at the above meeting, were not properly taken down by the stenographer, who was there for the purpose, I shall attempt to make a resume of such important points as were taken up:

After reading the paper which I had prepared on the subject, and so showing that sulphur was used as a clarifying agent and not as a preservative, and that the remaining sulphites which were in the molasses or syrup were almost wholly combined with organic matter, I was asked by Mr. Brown of Tennessee, Why could not a uniform limit of contained sulphites be put on molasses and syrup? My answer was to the effect that the process of manufacture of sugar from the juice of the cane was one of concentration; that if a

syrup which showed 350 mgs. of sulphur dioxide was concentrated and crystallized to sugar and molasses, the resultant first molasses would contain about 800 mgs. of sulphur dioxide, with no sulphites showing the sugar. If this molasses is reconcentrated and more sugar taken out of it, there would be an increase to about 1,200 mgs. of sulphur dioxide in second molasses.

I furthermore brought to their attention the fact that although it was a popular idea that concentrating molasses would materially decrease the sulphites, as a matter of fact, most of our product being made in a vacuum pan, there is not the oxidation which should be expected and very little, if any, change in the per cent of sulphites. The fact that only a small per cent of the Louisiana product is from the open kettle, and that there is never any second molasses made from this process, it would be useless to consider a uniform standard based upon the reduction of sulphites.

The next question was, What percentage of sulphites was to be found in glucose or corn syrup? The answer, "Little, if any." What percentage of sulphites was to be found in refinery syrups? The answer, "About 40 mgs. per kilo, with an increase of about 40 more, depending upon the method used for the determination and the possible destruction of some of the natural sulphites, these showing as sulphites in the analysis."

Mr. Brown asked what I would expect to find in a mixture which is labeled "Corn Syrup and Refinery Syrup?" My answer, "I would consider anything under 100 mgs. per kilo to be a normal amount." His inquiry on this subject was for the purpose of forming some basis for the analysis of a compound product, wherein refinery syrup should have been used, as according to the label, and low-grade Louisiana molasses was actually used. I told him that from a financial standpoint, I did not think a blender would state "Refinery Syrup" on his label and use a "second molasses," as the advantage to him in price was very much in favor of the use of refinery syrup.

Regarding the action on sulphur dioxide of several of the Northern States: as there are only a few of them which have made rulings condemning sulphur and products containing it, and as our interests were not afforded a hearing on the subject, I believe it will be possible for us to secure a hearing, and if this be allowed, I am satisfied that if the same lines be followed as in Atlanta, we will be able to have the previous ruling changed.

Respectfully, submitted,

HERBERT SHILSTONE,

Consulting Chemist, Penick & Ford, Ltd.

#### ATLANTA RESOLUTION.

Resolved, That sulphite of soda as a preservative for meats is inhibited, that the use of benzoate of soda and of sulphur dioxide will be permitted under the same restrictions and conditions as imposed by the U. S. Department of Agriculture, that is, benzoate of soda in quantities not over 1-10 of 1 per cent and the limit in food, except in syrup and molasses, has been set for sulphite at 350 milligrams per kilogram of total free and combined  $\text{SO}_2$  with an addition of not over 20 per cent of the amount in a free state; in the manufacture of syrup and molasses the use of sulphur as a clarifying agent is permissible.

#### THE NATIONAL MOLASSES REFINERS' ASSOCIATION.

N. W. Taussig, President. J. W. Hearn, Vice-President.

R. B. Scudder, Sec'y-Treas.

Sugar Exchange Building.

New Orleans, December 9, 1908.

To the President, Washington, D. C.

Sir: You chose a Board of Scientific Experts and referred to it the question of the wholesomeness or unwholesomeness of sulphur, benzoate of soda and saccharin in foods.

Pending a decision by the Board, Dr. H. W. Wiley, Chief Chemist of the U. S. Department of Agriculture, has been doing all he could to drive such foods out of the market, and declares that should the Board decide against his pronouncements, he will bring the matter into the courts.

This is nothing less than "pernicious activity," and, in our opinion, warrants his being removed from office.

Respectfully submitted,

C. V. MOORE,

President Louisiana Sugar Planters' Association.

J. C. MURPHY,

President Louisiana Sugar Exchange.

N. W. TAUSSIG,

President National Molasses Refiners' Association.



# Bleached Flour Decision for North Dakota.

## THE DECISION.

State of North Dakota, county of Cass, in district court, Third Judicial district.

Russell-Miller Milling Co., a corporation; Missouri Valley Milling Co., a corporation; Lidgerwood Milling Co., a corporation, and Chaffee-Miller Milling Co., a corporation, plaintiffs, vs. E. F. Ladd, defendant.

Decision.

## PROCEDURE.

Questions growing out of the proper procedure in this case were settled by our supreme court in the action entitled, State, ex rel Ladd vs. the District Court of Cass county, 115 N. W. 675. Professor Ladd took the position that this court was without jurisdiction to proceed in a matter of this kind, and sought, by writ of prohibition, to prevent further proceedings. In this position he was not sustained by the supreme court. The facts as to the controversy in this case were set out at length by the supreme court and I will not repeat them here.

## PLAINTIFF'S CLAIM.

After the rendition of that decision, this action was tried upon its merits, and besides the formal statement of the character of the business of plaintiff, put concisely, their claim is that in the process of manufacture, certain of their flours are subjected to air containing traces of nitrogen peroxide gas, generated through what is known as the "Alsop process," and resulting in the union of the oxygen and nitrogen of the air. It is further claimed that this process whitens and improves the color of the flour. That bleached flours differ neither in chemical composition nor in nutritive value from unbleached flours, except that bleached flours contain a small amount—about one part to one million parts of flour—of nitrite reacting material, which is removed during the process of baking. That the amount of nitrites produced in flour during bleaching is less than is normally present in the saliva, or is found naturally in many vegetable foods, or in smoked or cured meats, or in bread made from unbleached flour and baked in a gas oven where nitrite are produced from the combustion of the gas. That the bleaching of flour cannot be regarded as in any way injurious to health, or as an adulteration, and a bleached flour which has good gluten and bread making qualities is entirely satisfactory. Further, it is not possible to successfully bleach low grade flours so they will resemble the high grades, because the bran impurities of the low grade blacken during the bleaching and become more prominent. Further, that there is no danger to be apprehended from overbleaching, for when excess of the bleaching reagent is used, flours become yellow in color. Therefore, it is claimed, the bleaching is not injurious to health, and as it is not possible through bleaching to change low grades so as to resemble the patent grades, bleaching resolves itself entirely into the question of what color of flour the consumer desires. Plaintiffs further claim that Professor Ladd, on Sept. 10, 1907, issued a circular as food commissioner in which he directed that on and after Oct. 1, 1907, the sale of bleached flour containing any residue of nitrogen absorption, addition or substitution products, and intended for consumption within the state of North Dakota, is declared to be in violation of the food laws of the state; and further claim that he has threatened seizure of plaintiffs' property under the pretended authority of said act, and the destruction of the same. Plaintiffs further claim that the flours manufactured by them are not within the condemnation of Chapter 195, laws 1907, and that unless defendant is restrained from further proceeding, great and irreparable injury will be done to plaintiffs, and this action is brought for the purpose of having a multiplicity of suits.

## THE ALSOP PROCESS.

The testimony shows that all the flour bleached by the plaintiffs in this action was bleached by what is known as the "Alsop Process." It is a patented mechanism for which the proprietors thereof hold letters patent No. 759,651 issued by the United States; that the description of said process, and the mechanism thereof, is fully set forth and described at page 2,169, et seq. Vol. 384, Part One, of the official publication, known as Specifications and Drawings of Patents, issued under the supervision of the United States patent bureau. That the function and effect of the electric flame used in said Alsop process is to generate intense heat, which, coming in contact with a column or quantity of moist air causes the oxygen and nitrogen in the air to combine or fuse so as to form a gas known as peroxide of nitrogen or nitrogen peroxide (No.

2). This gas thus generated is driven or conducted into a cylinder or tube through which the flour passes; the nitrogen peroxide, when it comes in contact with the flour, combines with the coloring matter of the fat or oil of the flour, and oxidizes it, thus causing it to whiten. The length of time the flour remains in this oxydized air in the ordinary process of bleaching is from 7 to 10 seconds. The evidence shows that approximately 70 per cent of all the flour manufactured in the United States today is bleached, either by the Alsop or some other process, but in this case we have to do only with flour bleached by the Alsop process.

## THE DEFENDANT'S CLAIM.

The defendant's answer, after calling attention to the provisions of Chapter 165, laws 1907, alleges that he has made a careful investigation of the subject of flour bleaching as practiced by the plaintiffs and that the same is detrimental to the health and best interests of the citizens of the state of North Dakota; he admits that he issued the circular complained of, and after describing the Alsop process as above, he indicates that the nitrogen substitution products are poisonous substances, which make the flour detrimental to the health of consumers of bread. That when such flour so bleached, is made into bread the bread thereof is dangerous to the health of the consuming public; that the addition of this nitrogen compound or substitutions, when mixed with the flour in the aforesaid bleaching process, reduces and injuriously affects the quality and strength of said flour for domestic use; he further alleges that this process of bleaching flour enables the miller to mix what is known as low grade flours and by making the product whiter it can be mixed with high grade flours, thereby producing flour in all appearances the same as if the entire quantity consisted of high grade flour, thereby deceiving the purchasers, dealers and consumers of flour, thus constituting what is known as an adulterated product. Further, that this process of bleaching flour tends to decrease the gliadin of the gluten, thus requiring more yeast and more sugar than it does to make bread out of unbleached flour, and that the same reduces or injuriously affects the quality and strength of the food value of the flour so bleached.

For these, and other like reasons, the defendant claims that the process of bleaching flour by the Alsop process is in violation of the terms and provisions of Chapter 195, laws 1907.

## A BATTLE OF THE GIANTS.

From this statement of the claims of the respective parties can be seen the general nature of the controversy between them.

The question to be settled is clearly a scientific one, this being the initial case upon the points involved in the United States. Both parties have brought before the court the very highest class of expert testimony from the field of chemical science.

To support the contention of the plaintiffs there were sworn the following expert witnesses:

Prof. Harry Snyder, a graduate of Cornell university, and for seventeen years chief professor of chemistry in the agricultural college of Minnesota.

Dr. A. W. Rockwood, a graduate of Amherst in 1884, and for years chief professor of chemistry and toxicology in the University of Iowa.

Prof. Geo. L. Teller, a graduate of Michigan agricultural college, and for several years professor of chemistry in the agricultural college of Arkansas, now head of the Columbus laboratories of Chicago.

Prof. Edward H. Kaiser, chief professor of chemistry in Washington University, St. Louis, Mo., formerly in a like position at Bryn Mawr and Johns Hopkins university.

Dr. Walter S. Hains, professor of chemistry, materia medica and toxicology in Rush Medical college, Chicago; having spent thirty-two years in his professional work, studying both in this country and in Europe.

Prof. F. J. Alway, chief professor of agricultural chemistry in the university of Nebraska, and chemist of the agricultural station; a graduate of the University of Toronto, and of Heidelberg, Germany.

All of whom practically agree in support of plaintiffs' contention.

On the part of the defendant there appeared Prof. E. F. Ladd, food commissioner of North Dakota; a graduate of the University of Maine, and chief professor of chemistry in the North Dakota agricultural college; in which institution he has served since its foundation, about twenty years ago.

Prof. James H. Sheppard, chief professor of chemistry in



the agricultural college of South Dakota since 1888; a graduate of the University of Michigan.

Prof. Andrew L. Winton, chief of the Chicago laboratory bureau of chemistry, United States department of agriculture; a graduate of Yale in 1884.

Prof. Andrew S. Mitchell, in charge of and having direct inspection of one of the laboratories of the United States department of agriculture, located in St. Paul, Minn.; a graduate of the chemical department of the University of Michigan in 1887; and teacher of toxicology for five years in Milwaukee medical school.

Prof. H. L. White, assistant professor of chemistry in the agricultural college of North Dakota; for eight years professor of chemistry in Burlington, Vt.; a graduate of the University of Maine in 1898.

Dr. Louis Van Es, professor of veterinary science at the North Dakota agricultural college; holding diplomas from the government school of agriculture of the Netherlands; the veterinary college of Toronto, and doctor of medicine of the University of Alabama.

All of whom agree generally with Professor Ladd in the statements he makes concerning bleached flour.

#### THE LAW.

Chapter 195 of the Laws of 1907, which is "An Act to prevent the adulteration and misbranding of foods and beverages, the selling of adulterated and unwholesome foods and beverages and providing for the proper labeling of all foods and beverages," among other things state that any article of food or beverage shall be considered misbranded, unwholesome or adulterated, or insufficiently labeled, within the meaning of this act,—second, if it contains formaldehyde, benzoic acid, sulphurous acid, salicylic acid, hydrofluoric acid, saccharine or benaphthol, or any salt or antiseptic compound derived from these products or other deleterious ingredients.

Seventh, if it be labeled, branded, colored, coated or stained, whereby damage or inferiority is concealed, so as to deceive or mislead the purchaser; or if it be falsely labeled in any respect; and numerous other conditions are mentioned in the statute not applicable to this controversy.

#### IS BLEACHED FLOUR UNWHOLESOME?

We will first consider the testimony upon the question of whether bleached flour is unwholesome. It will be seen that while the plaintiffs admit that there is a very minute quantity of peroxide of nitrogen introduced into the flour by the Alsop process, yet, the claim is made, that there is not enough to harm the human system when taken in the quantities found in flour; and even if some particles are left in the flour it is lost in the baking process.

The burden of proof in this case falls upon the plaintiff, to show by a fair preponderance of the evidence the facts alleged by them. Happily, in this dispute, between eminent scientists and experts concerning a subject with which the court is only familiar in a general way, he is not called upon to decide which party is absolutely right. His duty is complete when, after a careful review of all the evidence, measured by all the tests known to the law, he expresses an opinion as to where the superior weight of the evidence lies. Just in the same manner as when trying a dispute upon an allegation of the non-payment of a promissory note, or any other of the thousand controversies that find their way into court. After considering all the testimony, and testing its credibility by those rules known to the law, I am of the clear opinion that upon the general claim of having introduced no deleterious compound or substance into the flour, which remains therein after baking, the plaintiffs have been successful, and that the decided weight of the testimony is in their favor in this respect. It is true that testimony is not measured by the number of witnesses alone, but rather by the reasonableness or otherwise of the statements they make. It seems incredible that flour can be injured by an amount of nitrogen peroxide no greater than that which is constantly present in the saliva, and found in many vegetables of daily use, or in smoked or cured meats, or in bread made from the combustion of the gas; or in granulated sugar. The defendant did not successfully contradict these facts. Some were admitted to be true; but it was urged with reference to the saliva test that it was not accurate because of the likelihood of the persons having taken foreign substances into their mouths which produced the nitrites. The plaintiffs show, however, that these nitrites were found in the saliva of infant, nursing children.

#### THE RABBIT TEST.

It is claimed upon the part of the defendant that bleached flour will kill rabbits; that is, that the flour contains a toxic body in sufficient quantity to destroy the life of rabbits. Upon the other hand, the experiments of Dr. Rockwood, Professor Haines, and others, upon white mice, show that

bleached flour would not kill white mice; and experiments carried on during the trial by Professor Haines and Professor Snyder show that bleached flour would not kill rabbits. I must say that the results of these experiments, as evidence in this case, are entirely satisfactory, and I am of the opinion that they can furnish no safe guide for a determination of the facts involved herein. Before I should be willing to predicate a decision upon such experiments, I would feel that they ought to be performed together, by the parties giving their evidence pro and con.

When asked as to the reason for the difference of opinion, the answer must necessarily be speculative, because the experiments were not made under the eyes of both. To the ordinary layman it would appear that if bleached flour would kill rabbits in one case it would in another, but when evidence comes from such eminent witnesses as appeared in this case, the one affirming, and the other denying, there is no safe method by which the court can say which one was right.

#### AS TO ADULTERATIONS.

The court further finds that the testimony in this case shows that the plaintiffs never in any manner or form whatsoever used the bleaching process for the purpose of mixing what is known as low grade flours with high grades, or flour made from durum wheat with other flours, thereby producing flour in all appearances the same as if the entire quantity consisted of high grade flour. In fact, the defendant produced no testimony whatever in support of that allegation of his answer. There was some testimony that it was possible to mix some very small portions of durum wheat flour with flour from rye or bluestem, capable of deceiving the general public; but the weight of the testimony shows that it would be impossible to deceive the expert purchaser of flour, or even one measurably acquainted with the characteristics of flour. The question, however, upon the subject of adulteration, which presents itself here, is not so much what these plaintiffs did do, but what might be done by the process employed. It is declared, under section seven, above quoted, that articles of food shall be held to be adulterated if it be \* \* \* colored \* \* \* so as to deceive or mislead the purchaser. It is certain that this electric flame does have to deal with the color; and very naturally the question arises whether under the provisions of the law this would not be a violation of that section. Assuming, without deciding, that it would not be, and assuming further that the amount of nitrogen peroxide put into the flour by this process would be lost in the baking so that in the bread itself there is no unwholesome condition, the question still arises whether under the admitted facts in this case the same is prohibited by the terms of the statute. It is conceded by the plaintiffs that there is nitrite reacting material put into the flour through the Alsop process of bleaching, of a very minute quantity (about 1 part per 1,000,000 of flour). Is this prohibited by the statute?

#### THE SCOPE OF THE LAW.

A casual reading of the law would require an affirmative answer to this question, and a more analytical study of the same confirms one in this view. Referring now particularly to the second subdivision of this law wherein it declares that flour shall be regarded as unwholesome or adulterated, if it contains formaldehyde, or the other acids named, "or any salt or antiseptic compound derived from these products, or other deleterious ingredient."

We should keep in mind that the product with which we have to deal in this case is "flour" and not "bread." It is not a question of whether a poisonous substance, as nitrogen peroxide is conceded to be, is put into an article of food and afterwards lost in the baking process, but was it added to the original substance? An analysis of this entire law—not one section, but its every part—indicates that all phases of adulteration and misbranding were sought to be prevented. The history of the struggle for pure food in this state and in the country at large for the past twenty-five years, of which the court must take judicial knowledge, and in which it is generally known that Professor Ladd has taken an active and prominent part, shows clearly that from the standpoint of the food commissioner no stone would be left unturned to secure for the people absolutely pure food.

It is also generally known that laws of this kind are framed by the friends of the law, and that legislators are largely influenced in their acts by scientific men in whom they have learned to put confidence and upon whom they must rely for information when dealing with words, phrases and subjects about which they have no technical knowledge themselves. In view of these facts, the court must conclude that the law



as framed more clearly, reflects the notions of the pure food expert rather than anyone else. What is that idea? I believe a key to it, and consequently, to the thought of the legislature in passing the act, can be found in the testimony of Professor Sheppard, who, in answer to a question by the court, why he and Professor Ladd differed so materially from Professors Haines, Snyder, Rockwood, Kaiser, Teller and others, when he said:

"I have heard the testimony of all the witnesses referred to, and I think I can give a reason why there is such a difference of opinion between them. In the first place it will be necessary for me to define the position of the pure food official and what is his problem. He does not take the same view that the physician does. It is the province of the physician to make a sick man well. The pure food official does not take the same view of the problem that the experimentalist does. It is his object, perhaps, to find out how much of a certain substance it would take to make a well man sick. All of these things are not for the pure food chemist. The problem and the intent of the law as put up to the pure food official is simply this, to keep a well man well. For example, let us take the case of strychnine. We will represent by the base of a triangle what I will term the toxic dose, enough to kill a man. Let us consider a constantly decreasing amount, and draw it down like this (indicating) until finally we bring it out to a point down here, which we will call zero. If we begin with a toxic dose here, and follow this all the way down until we reach a point down here somewhere, we will come to what we may call the medicinal dose, such as a man may take of strychnine without killing him. From the toxic dose down to the medicinal dose is what the doctor is concerned with; from the medicinal dose down to the vanishing point, zero, there lies what you might term your debatable ground; I think I have it now so that it can be seen exactly why Professor Snyder and I will disagree, and why we are obliged to disagree. Now take it from the medicinal dose down to where there is no dose at all, and we are getting into an unexplored region. That is already occupied to some extent by a very reputable class of people whom we call homeopaths. They are giving doses below the ordinary medicinal dose, that lies somewhere down in the apex of this triangle. The truth of the matter is that we do not know justly exactly where the constant repetition in the food of harmful drugs—from this zero point up to the medicinal dose—we do not now where to draw the dividing line."

Question by the court: You call that the cumulative effect?

Answer: Yes, we may call it that, as we heard in the very able testimony of Dr. Haines, that probably the system has been educated up to the use of nitrites during all of the prehistoric ages; but here we are dealing with some brand new drugs. They are all synthetic, they have been made but a few years, and their physiological action has not been well established. Now, we will say that if nitrous acid was the only thing at stake, it is possible we should feel a good deal in doubt, but see here, the nitrous acid man comes up, he wants to put nitrous acid in, and wants to get it down in that vanishing point somewhere, in that debatable ground. Then comes the borax man, he wants to do the same thing. And again, along comes the salicylic acid man, the fluoride man, the sulphurous acid man; and the result of it is that we have obtained a broader view. I have shown you from foods that I have examined in my laboratory that if things were today as they were a few years ago, when our food laws were first enacted, that the ordinary man, living on good, plain, common food, that he has bought upon the market, would have of these small doses down there—that he would take every day of his life forty doses of these chemicals of one sort or another, including coal tar dyes and all kinds of preservatives, and everything of that nature, and we shy at that. We shy right here. We say, if one small dose may be constantly repeated—may not be so bad—but what are you going to do with it when you put on forty of them? And put it right on every day of your life? You see, we do not feel as if we could do it. There is another thing: If we should tell the benzoate of soda man, all right, we believe you are all right, and then go to work and shut out all these other preservatives except benzoate of soda, what kind of a position would it leave us in? In conclusion, we have just simply come to the point where we say that the only safety, so far as we can see, for conserving the health of the people is in our adopting the zero point for all high grade chemical preservatives."

I believe from the foregoing statement that it is possible to discover, with great accuracy, the thought of the legislature in framing this law. It seems to me that the entire act speaks with no uncertain language. It says in substance,

We will take no chances. We know that scientific men will disagree concerning what is considered as deleterious when used as an antiseptic, so we will name those that are most in common use, and then, with a sweeping clause, include all other compounds which contain a deleterious substance, even in the most minute quantities.

#### LORD TENTERDEN'S RULE.

We are met at this point of our inquiry with the objection upon the part of the plaintiffs that the quantity of nitrite reacting material introduced into the flour by the Alsop process is not deleterious compound similar to that named in the second clause of the act above quoted, such as formaldehyde or benzoic acid, etc., and that the general terms used must be construed to mean as if it read "other deleterious ingredients of like kind," under the familiar rule known as *eiusdem generis*. What is that rule?

"Where general words follow particular ones the rule is to construe the former as applicable to persons or things *eiusdem generis*. This rule, which is sometimes called Lord Tenterden's rule, has been stated as to the word 'other' thus: Where the statute or other document enumerates several classes of persons or things and immediately following and classed with such enumeration, the clause embraces 'other' persons or things, the word 'other' will generally be read as 'other such like,' so that persons or things therein comprised may be read as *eiusdem generis* with, and not of a quality superior to or different from, those specifically enumerated. As, for example, there was conferred upon municipalities' power to establish markets and other public buildings." It was held that the word "other" showed that the word "markets" was used in a restrictive sense to designate public buildings erected and devoted to the use of receiving for sale and purchase such marketable articles for daily use and consumption as might be wanted to supply the inhabitants of the city. *St. Paul vs. Traeger*, 25 Minn., 253.

But it is likewise held by those courts which recognize to the fullest extent this doctrine of *eiusdem generis* that the rule must be interpreted, as in all cases or written instruments, to assist in determining what the intention of the act is, and though this is generally the interpretation given to the word when following an enumeration, the rule is not inflexible, and in many cases the word has been held to be unrestrictedly comprehensive, embracing every other sort or kind, whether *eiusdem generis* with the classes enumerated or not.

As would be illustrated by an act in South Carolina, which specially punished any person convicted of knowingly and wilfully packing or putting into any packed bale or bales of cotton "any stone, wood, trash, cotton, cotton seed, or any matter or thing whatsoever, with the purpose or intent of cheating or defrauding any person, etc." The court held that the expression "any matter or thing whatsoever" was not restricted by the things enumerated. In this case the weight was fraudulently increased by the use of water. "Here," says the court, "it cannot be doubted that it was the intention of the legislature to punish frauds in packing cotton without regard to the character of the material used." The authorities covering both phases of this rule in England and America, are found in 21 Enc. Law, 2nd Ed. 1012. The rule of construction here under discussion was thoroughly analyzed in the case of *Doyle vs. Bayonne*, 54 N. J. L. (25 Vroom) 315, wherein the court had under consideration an act providing that "No member of any board of aldermen, common council, township committee, or other municipal board or body, shall be eligible for election, etc." to any office that is now or hereafter may be by law required to be filled by such board, council, committee or body, of which he is a member." The insistence being that the term municipal board is limited by the specification of the particular bodies which precedes the term municipal bodies. The rule of construction was invoked as contended for by the plaintiffs in this action. The court said: "The canon of construction thus put forward, it may be remarked, is only one of many guides for ascertaining the intention of the legislative body. It is a rule of common sense, resting upon the notion that the legislature has disclosed the general character of the subject upon which it was intent, by the particular things or persons mentioned, and, therefore, when the general supplemental term is used, it had in mind only things or persons of the same general character. There are other rules designed for the same purpose, and whenever, by the application of one or more of such guides, a contrary intention is apparent, the rule advanced must yield. For, after all, the one thing to be ascertained is, What did the legislature mean? So also, the mischief aimed at will, by another canon, control the construction of the statute quoted in specific as well as general terms. So again, the force of the canon of construction not advanced, while recognized, may be modified by the same considerations. For, it is per-



ceived, the question always remains, what are the characteristics of the class which the specified objects disclose? What is the genus which was in the legislative mind, and so, by consequence define the boundary within which the meaning of the general words is to be confined. These questions can be solved, not only by an appeal to the specific words employed, but also by scanning the entire act, and by resorting to the usual canons of statutory construction."

With these rules thus stated, this court is confronted with the general and final question, What did the legislature mean by the enactment of the statute in question? I have before stated what appears to me was in the mind of the legislature. And even conceding that the words "other deleterious ingredients" must refer to a preservative exactly similar to those mentioned in the former words of the section, yet, considering the act as an entirety it seems to me that all preservatives or antiseptic compounds of any description come within the ban of the law. And again, I am not so certain that nitrogen peroxide is not within the class of preservatives mentioned in the former part of section 2. I have examined a chemical dictionary and find that all the preservatives there referred to are antiseptics. Webster defines an antiseptic to be "A substance which prevents or retards putrefaction or destroys, or protects from, putrefactive organisms." The testimony in this case shows that nitrogen peroxide is an antiseptic, and while perhaps it contains more poisonous matter than some of the others mentioned in this section, yet it can be and is used as an antiseptic. If this be true, then I cannot see but that it is within the class, as an antiseptic, of those mentioned in the statute, and if so, it would come plainly within the strict terms of the words ejusdem generis. So that viewed from either standpoint, I am satisfied that the use of nitrogen peroxide in flour, in any quantity whatever, is against the plain provisions of our law.

#### THE LAW CONSTITUTIONAL.

But, it is urged that the law is unconstitutional, in that the legislature had no power to say that preservatives recognized as harmless by a majority of the scientific men of the day cannot be used. Under the police power of the state, it appears to me that the legislature has the power to pass an act of the kind in question, and until the scientific men of the day generally agree that certain products are harmless, the legislature would be warranted in prohibiting their use. Whether it is expedient to pass such a law is entirely a question for the legislature to determine. The rule is well settled that in virtue of the police power of the state, the legislature may pass such laws as are or may reasonably appear to be necessary for the health, comfort and safety of the people. No clear, comprehensive definition of the police power has ever been given, and it is doubtful if one can be framed that will be accurate and cover every conceivable case that may arise. This power belongs to the several states and not to the federal government, save in exceptional cases, and so long as the legislature does not pass the limits prescribed by the federal or state constitutions the courts have no authority to interfere on the ground that the acts in question violate natural principles of right and justice. A full discussion of this subject together with cases cited, may be found in the case of the state of Iowa vs. Schlenker, 51 L. R. A., 347, wherein it was held that the power of the legislature to prohibit the addition of water or any other substance whatever to milk that is sold is included within the police power to protect health, even when it extends to the addition of that which is harmless in itself, and which is without intent to defraud but merely to preserve the milk.

#### BLEACHING BARRED.

From the foregoing, it appears to the court that the relief demanded by the plaintiffs cannot be granted. The same is therefore denied, and it is ordered that this section be and the same is hereby dismissed. The defendant to have his costs to be taxed by the clerk.

Let counsel for the defendant prepare their findings, and have the same served upon the opposite side, and settle by this court forthwith.

By the court:  
Jan. 11, 1909.

Chas. A. Pollock,  
Judge.

#### COMMENTS ON THE DECISION.

Commissioner E. F. Ladd: "I consider this decision a great victory for the pure food laws and the precedent which it sets will be of great value in other states to discontinue the bleaching process as soon as possible from now on."

Ball, Watson, Young & Lawrence, attorneys for the Millers:

"The decision while in form a legal victory for the de-

fendant the pure food commissioner, is upon the real question at issue, namely: Whether or not bleached flour is detrimental or injurious, in favor of the plaintiffs, the milling companies. While the litigants in court are naturally desirous of having the case determined in their favor and securing the adjudication against the opposing party, yet the public at large are interested more in the determination of the real question and of the real merits of the controversy than they are as to whether one side or the other has won a legal victory. The decision of Judge Pollock is emphatic and conclusive in determining that the milling companies in this case by their evidence have established that bleaching the flour does not introduce into the flour deleterious or detrimental substances in quantities sufficient to cause any injury whatever.

"Much has been said of the 'rabbit test' and the newspapers were full of sensational items about the poisonous substances produced by the bleaching of flours being of such strength as to kill rabbits, but up this question the the proof relative thereto was unsatisfactory. (See decision.)

"Again it has been loudly heralded that there would be established in this case the fact that the milling companies were by this process able to adulterate flours by mixing low grades, but the defendant has entirely failed in this case to show that these plaintiffs, the milling companies, have in any way so adulterated their flours or mixed them with lower grades and the court says so emphatically.

"These were the real facts at issue so far as the public were concerned. These questions contain the real merits of the whole matter. The settlement of these propositions settles practically everything of interest to the public at large, because, even if the courts do hold that the statute by its strict terms prohibits the bleaching of flours merely because there is introduced into the flours by such bleaching minute quantities of a substance, chemically said to be injurious, although the same is present in equal quantities in many natural foods and which are not produced by bleaching to any extent that is harmful, there is then determined only a strict legal question, and the real question as to the real right or wrong of the matter is not the basis of the decision; on the contrary the decision expressly shows the milling companies to have won out on the only matters involved in which the public takes an interest. True it sustains the pure food commissioner and, true, it gives an opportunity to enforce the law, but of what particular value is the enforcement of a law against a subject which has been determined to be a harmless subject and one causing no damage or injury to the public.

"That the case has been determined solely upon the fact that the statute was broad enough to prohibit the bleaching of flour regardless of its injurious effects and because there is contained many simple minute quantities of a harmful ingredient, is the decision in the case, and that alone.

"Because of the strict term of the statute the court has determined in favor of the pure food commissioner and against the plaintiffs. The law is sustained, but the millers are sustained in their contention that the bleaching of flour does nothing injurious or detrimental to the flour and that the health of the people using bread baked from bleached flour is not impaired in the slightest, and that the law must be sustained even if there is what might be a deleterious substance therein even in the most minute quantities. If such a decision is useful to the public welfare or is any victory to pure food commissioners who desire only the welfare of the people rather than a technically legal victory under the terms of a law drawn, as the court suggests, by the pure food experts themselves, we shall be greatly surprised."

#### ANOTHER "POISON SQUAD."

Experiments to demonstrate whether sulphur dioxide, as used in California in the preparation of dried fruit, is harmful to the human system have been undertaken by chemists as a result of the long-standing controversy between the pure food authorities at Washington and the dried fruit packers of California.

A "poison squad" has been selected, and it is intended to use his own weapons against Dr. Harvey W. Wiley, chief of the bureau of chemistry of the Department of Agriculture. Instead of a "poison squad," Dr. Atkins calls the dozen men who tomorrow will begin eating sulphured dried fruit under his direction the "health squad."

The fruit will be served to the men once a day. Daily reports, including a list of the variety and quantity of food eaten, will be made. The experiments do not contemplate changing the routine of the men, nor will an attempt be made to depart from the methods of the housewife in preparing dried fruits for the table.



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## STATE SANITARY INSPECTION.

The proposed sanitary inspection bill just reported by a committee of the National Association of State Dairy and Food Departments is a first step in the right direction to secure legislation over the sanitary control of factories generally by state or nation. Many states already have laws on the statutes relative to the inspection of creameries and dairies. Many cities have ordinances relative to the sanitary inspection of bake shops, butcher shops, etc. The meat inspection act of Congress places the sanitary control of many abattoirs in the hands of the government. In general, however, neither state nor government food officials have the power to enforce cleanliness in the preparation of food products.

The Northwestern Food Commissioners in convention at Madison, Wis., Sept. 30, 1908, passed a resolution as follows:

"Resolved, That it is the sense of the convention that the enactment by the several states of measures to secure full and complete sanitary control of food producing, manufacturing and distributing establishments and agencies is both desirable and necessary."

Believing in this legislation the National Association of State Dairy and Food Departments appointed a committee to draft a model state sanitary food control bill. This committee has reported the bill found in this issue of the American Food Journal.

The bill as drawn by the committee is admittedly tentative and may need revision, but the desirability of legislation along this line is manifest, and the American Food Journal is for any legislation of this character which may be adopted by the food commissioners.

Why are the trade papers partial to Dr. Wiley opposed to this legislation or to any legislation along this line?

The American Grocer, in opposing the resolutions referred to, says, "Because the federal meat inspection is a failure; because 'legal supervision opens the door for graft,' and because inspectors may get and sell trade secrets."

Some of the arguments seem strangely familiar. The charge of graft against the state food officials was preferred by "Raymond" in the Chicago Tribune in an article which, from its contents, its character and the known affiliation of the author, was believed to be inspired by Dr. Wiley. The argument was that the state food commissioners, being corrupt, would not enforce food laws and that a national law was

necessary for the protection of the public. The American Grocer in opposing sanitary supervision says:

"Then such legal supervision opens an avenue, broad and long, for graft. Already there has been too much since food laws were put on the statute books of different states, and any move to increase opportunity to bleed manufacturers ought to be killed."

The argument has no foundation other than applied to food laws in general or, in fact, to laws and the officials who enforce them of every description and kind. As stated in the American Food Journal at the time the charge of grafting was made in the Tribune, there is no evidence in the history of food commissions in which a food commissioner has been convicted or specifically charged with using his office to feather his nest.

It has never appeared to the American Food Journal that inspection of meat under the meat inspection law was a failure, even although Dr. Wiley had no hand or part in its enforcement. We do believe that the method of securing the law was reprehensible and that the muck rake was paid for dearly by the American public. We do believe, and this opinion is not our own, but stolen from the leading constitutional lawyers in public service and private practice of the country, that the law is clearly unconstitutional except as applying to export foods; and that the meat inspection clause in the agricultural appropriation bill is a law today simply because it is so wisely administered and so beneficent to both the packers and the public that no one wishes to put it in peril by commencing litigation under it. The argument that the folly of sanitary control has been demonstrated by the workings of the meat inspection act, falls of its own weight. It is palpably absurd, ridiculous. It may be true as the American Grocer says, that, "The meat inspection act places the plants of men who have spent a lifetime in the development of a great industry under the criticism and supervision of inexperienced men whose meager salary is a proof of their lack of ability in any special line." But this does not demonstrate the folly of the working of the law and no complaints of such character seem to have come from the manufacturers. Moreover, there is rarely any ground for complaint, as the inspectors are in almost all instances college graduates and veterinary surgeons, who secured their positions by competitive examinations. If their salary is meager it is neither a sign of their lack of ability, or lack of experience. Many good men work for low wages, and these inspectors possibly are no exception.

"Imagine," says the American Grocer, waxing poetical, "a packer or preserver of fruits and vegetables whose success has been won through skill, experience," etc., etc., "being compelled by law to have an inspector, a political appointee, sent to tell him how to transact his business, to criticize methods, launch objections."

Inspecting our life insurance policy to see that everything was in proper order; taking a fond farewell of our friends and relatives, we allowed our mind to roam from the realm of the commonplace into the imaginative, and then gradually to the thought of the sanitary control of canneries and preserving factories. Nothing broke. In fact, had the idea become an actuality, we doubt if any conscientious vegetable packer would shrink from public inspection of his factory as regards sanitary supervision.

The only specific instance or illustration given of the folly of the meat inspection act is that it has creat-



ed many absurd rulings, and the only instance given of the absurd rulings is that a foreign meat extract may be sold by the grocer but cannot be used to flavor food products made in the United States.

With certain restrictions and qualifications this is true. This charge and illustration has its inception in statements made by Dr. Wiley in the conference between the manufacturers and the representatives of the government in 1906, to the effect that the meat inspection act, in not protecting the United States packers from the importation of uninspected meats and sausages, was incomplete and that it would need to be supplemented by regulations under the food and drugs act.

The meat inspection act, so called, requires all meat and meat food products entering the United States to be inspected, examined and marked "Inspected and Passed." It is the guarantee of the government that they are pure and wholesome. Any meat food product such as meat extract or presumably any food product made with meat extract, if such gives a meat character to the product or is made in a packing house, must be marked, "U. S. Inspected and Passed," to entitle it to transportation in interstate commerce, and if so marked, of course, it must have had necessary inspection. To change this provision on meat products manufactured in this country would annul the act. It would be a flagrant abuse of the act to allow a manufacturer of a preparation into which beef extract enters to label his goods "U. S. Inspected and Passed," whereas neither the meat portion nor the factory had been subject to inspection by our government officials.

However, this country cannot control the sanitary regulations of foreign governments. The meat inspection act requires the Secretary of Agriculture to inspect only domestic meat products. Yet foreign meat products, if pure and wholesome, should not be excluded and probably could not be excluded under our commercial treaties with foreign governments. This phase of food inspection is covered by the national food and drugs act, section eleven. According to regulation 32 of the food and drugs act of 1906, relating to imported food and drug products, section 11 of the food law, meat and meat products which would include, of course, meat extracts, may be admitted through the customs if accompanied by a certificate of official inspection of a character to satisfy the Secretary of Agriculture that they are not dangerous to health, and if bearing a label identifying the goods with the certificate. And meat and meat products so admitted may be transported in interstate commerce. Hence, under the food and drugs act an inspected, unadulterated, healthful and properly labeled meat extract may be imported into this country and sold.

If there is anything incongruous in these laws or in these regulations we fail to find it. If there is anything absurd we are unable to distinguish between the wise and the preposterous.

Even if there were any absurdity or incongruity in the aforesaid rulings, with the meat inspection act, even if there was any injustice in not allowing an American manufacturer to use in American products sold in interstate commerce foreign inspected material, or in allowing the sale in this country of foreign inspected material, sold on its merits and not as "U. S. Inspected and Passed," the fault could not be laid to the workings of the meat inspection act or demon-

strate the folly of this act or any other governmental sanitary measure. The objectionable ruling which is charged to the meat inspection act is not a ruling under that act but under the national food and drugs act. Therefore, the only illustration of the many absurd rulings created under the meat inspection act turns out to be a ruling under an entirely different act made by Dr. Wiley, to whose service and a prominent conserve manufacturer the American Grocer devotes its reading and advertising columns, acting for Secretary of Agriculture James Wilson, acting with representative of the Secretary of Commerce and Labor and the Secretary of the Treasury.

As regards the sale of secrets, a sanitary bill might be prepared which would guard against the possibility of any peddling of this character, and as the preparation of food products is in but few instances, and these mostly illegitimate and clandestine in character, open and above board and according to well known processes in the trade, the injury to the packer is rather hypothetical and imaginative than real.

After all the objections advanced against sanitary inspection, while trivial indeed, are but subterfuges to disguise the real objection, which crops out in the last paragraph of the editorial in the American Grocer:

"No manufacturer of unreliable food products can do business for any great length of time, for merit is the only winner of public confidence. Men who seek by deceit or fraud to gain a foothold invariably reap what they sow. It has been so for all time, and will always be the result so long as publicity and competition exist."

It is, then, governmental control of the manufacturer and sale of food stuffs that is iniquitous, and the remedy lies in publicity and competition. The education of the grocery trade to the beneficence of food laws has been slow and at times disheartening. Some, like the American Grocer, facing the inevitable and with one eye on their largest advertiser and the other on the food officials, pretend to favor food laws after they are enacted, but are particularly prone to fall from grace.

#### HEINZ & CO. SPENDING FORTUNES TO SAVE WILEY'S POSITION.

*The American Grocer*, in a full page article of January 6, 1909, quotes the *New York Times* (Dem.) and an advertisement in the *Ladies' Home Journal* of H. J. Heinz Co., vegetable packers of Pittsburg, to show that Dr. Wiley would make a good secretary of agriculture. True *The American Grocer* did not say that the article in the *Ladies' Home Journal* was a two-page advertisement of the pickle firm, but such it proved to be, at least in part. The latter part of the article, purporting to give reasons why Dr. Wiley is "hated," seems to be the inspiration of the editor of *The American Grocer* himself, although no indication that such is the case is shown in the alleged quotation from "the January number of the *Ladies' Home Journal*." The argument of the paper is that Dr. Wiley made experiments with benzoate of soda and copper sulphate, found them deleterious to health and thereupon ruled against their use. Food producers protesting, the President appointed a referee board of distinguished chemists to appease them, which remained inactive until after the fall elections.

Meanwhile Dr. Wiley's two associates on the Board



of Food and Drug Inspection signed a bulletin approved by Secretary Wilson allowing the use of .1 per cent of 1 per cent benzoate of soda if the name and amount be stated on the package. Dr. Wiley refused to sign. This is insubordination. The article in the *Ladies' Home Journal* (actually display advertisement of Heinz & Co.) is relied on to show that benzoate of soda is deleterious to health, which advertisement in turn quotes a late bulletin of Dr. Wiley (Part 4, No. 84) to the effect that benzoate of soda should be excluded from food products, which conclusion is advertised as being that of the United States government authorities.

After completing the circle of argument in which its preface is offered as its proof the editor of the *Ladies' Home Journal* (actually *The American Grocer*) intimates that Dr. Wiley is much abused.

This style of presentation of the case of Dr. Wiley, embellished and even less accurate than the article in the *New York Times*, is seen in Hearst's chain of newspapers and others who can be reached through his sensation producing press bureau. Of course the cart is before the horse. Dr. Wiley of himself has no authority to make rulings under any law. He has made no experiment on copper in foods. He and his associates, commissioned in behalf of Secretary Wilson, did make rulings allowing tentatively and temporarily the use of a limited quantity of benzoate of soda in food products. The entire proposition was then placed by the President in the hands of the referee board, consisting of Dr. Ira Remsen of Johns Hopkins University, chairman, and four of the leading chemists of the leading universities in this country, to settle disputed questions, who individually are now making studies and tests. Dr. Wiley, in publishing the results of his partisan investigations and announcing his conclusions and opinions as to what should be allowed in food products under the food law was discourteous to the President and unfair to the referee board who were commissioned by him to make the decision. Yes, one might call it insubordination, as he, working under the President, did precisely what the President had expressly, for good reasons, taken out of his control and placed in other hands. In not signing Bulletin 101, which reaffirms the position of the Government as announced in Bulletin 89, which left the question of the prohibition of benzoate of soda in foods open pending the decision of the board of referees and which bulletin was properly signed by him Dr. Wiley again showed his contempt for the board and the authority which formed it. He, of course, has the right not to sign any bulletin with which he is not in accord, and this in itself cannot be considered insubordination, but when he is acting as in this case by appointment of the Secretary of Agriculture for and in stead of the Secretary of Agriculture, as agent, when his views do not coincide, but conflict, with those of his principal, it is time to resign, and any honorable man would resign his commission, to so act for him.

This is the real issue, not the question of the wholesomeness of any preservative or any article of food. The false issue is, of course, raised by Dr. Wiley to further his ambition to become Secretary of Agriculture, first announced to several food commissioners at the last convention at Mackinac, and at which meeting he succeeded in getting through some resolutions uncomplimentary to the Secretary of Agriculture. The

present crusade lead by *The American Grocer* and the Heinze company (and their allegiance is well deserved) will scarcely commend itself to the people. But why did *The American Grocer* use the Heinz advertisement in the *Ladies' Home Journal* in preference to their own, which says in display caption: "Dr. Wiley Condemns Preservatives. When the Order Prohibiting Their Sale Comes Will You Be Prepared for It."

#### THE FOOD JOURNAL AND FOOD LEGISLATION.

Would that the universe might be governed by the law of love rather than the reign of law. Unfortunately it is necessary for the serenity of society to put a curb on man's passions, his greed, his avarice, and even his unnatural cruelty. It is also necessary for our position as an independent and powerful people that all this be done under forms of law and within the scope of the constitution under which we are banded together. Among the abuses which was unknown in ancient days but has become more obnoxious in recent years is fraud in the manufacture and sale of commodities, or, as it is known in German, as *Unlauter Wettweverb*, or the abuse of illegitimate competition.

Such abuses affect the people in two ways: First, as consumers; second, as legitimate producers.

The only frauds of this nature that nations have legislated against are those that concern the direct manufacture and sale of adulterated, misrepresented and substitute food products. This movement began in the early century in England at the instigation of the consumer, and concerned itself chiefly with those products which were injurious to health, but gradually encompassing misrepresentation of all kinds of food.

In this country the movement began at the instigation of the producer or manufacturer and concerned itself principally with substitute or misbranded foods, prohibited under the cloak of protection to public health. The laws first formed by several states in the early eighties have been enlarged to include adulterations and misrepresentations of all kinds of food and have been adopted with a slight change of form by almost every Northern and Western state. Up to the time of the passage of the National Food and Drugs Act few of the Southern states had joined the procession. However, complaint soon came from the manufacturers that they were required to obey too many diversified laws, and from the state food commissions that they could not enforce the law of their state without injustice to their constituents in the case of goods entering the state from beyond its boundaries. Therefore the demand for a national law to aid in the enforcement and in the unification of the state laws. No strong demand for this law seems to have come from states without food production and could not well have come as they had not taken the preliminary precaution to first help themselves by passing a state law.

In the wake of the legitimate agitation and demand for a national law which would be useful to the states came the agitators and officeholders, who saw in the proposition an opportunity for increasing their power and perquisites. By means of misrepresentation and the mighty machinery of the government they were able to secure a law which in a measure served their purposes, by giving them the power of saying what was legitimate and what was illegitimate competition in the preparation and sale of food. The law was of



course unsatisfactory and would be even although its enforcement had been left in disinterested hands. Only the wisdom and conservatism of the present Secretary of Agriculture has saved it from the widespread condemnation of the people and the censure of the courts. In so far as the National Food and Drugs Act was founded on the New York and other state laws it is undoubtedly good as a model for state food laws. In its departure therefrom it is generally a failure, and aside from the question of its constitutionality has proven to be a hindrance rather than an aid to the enforcement of state food laws. If all the states should pass a uniform food law, a national law conforming thereto might be passed which would aid and not hamper state food work. Until that time we still advocate The American Food Journal's National Food Law requiring goods entering interstate commerce to be labeled according to the law of the state into which they are shipped. Uniformity, or such uniformity as is compatible with the different desires and interests of the various sections of the country, would come in time. Manufacturers would be glad to adjust their business to conform to the laws of the states in which they do business, and the cost of such additional care would be infinitesimal compared with the cost of doing business with the present law in the face of the persistent hammering of American manufacturers and American food material.

#### BEER FREE FROM CHEMICALS.

The agitation against alcoholic liquors has led to many erroneous impressions. One such impression is that beer is made with chemicals. To those familiar with the relation between synthetic and organic products it would matter little whether the building up of compounds took place in the living cell or in the alembic. To many, however, the thought of an artificial product is obnoxious. It may relieve this class of people who may drink a glass of beer occasionally to know that it is from first to last a product of life. Beer belongs to the great fermentation industry which furnishes our bread and butter, our cheese and wine and vinegar and honey and tea, not to mention sauer kraut.

Beer is made from malted barley, hops and water, with often a portion of the barley replaced by some other amylaceous substance. The reason for using unmalted barley or other grains in place of all malted barley is that the diastase or ferment, or enzyme in malted barley is more than sufficient to convert all of the starch into sugar, therefore, for economy as well as other reasons, the correct proportion is maintained between the malt and starch. Beer as thus prepared has all the starch converted into sugar and all or almost all the sugar converted into alcohol and needs no preservative whatever to keep it sweet, palatable and wholesome. Beer contains the extractives of the grains used in its preparation, which consist in considerable part of nitrogenous or muscle building substances and in alcohol in diluted form capable of being utilized in the body for the production of heat and energy. Beer, like milk, may not agree with some individuals, and therefore they should deny the temptation of the palate even on a hot day. Others may object to all alcoholic foods on sentimental or ethical grounds, but there is no ground for the objections to beer on the ground that chemicals are used in its preparation.

#### THE BLEACHED FLOUR DECISION.

On account of the importance of the case, the magnitude of the industry affected, the relation of the decision to probable action in other states and to the ruling of the Secretary of Agriculture on the same goods, we print the decision of Judge Pollock in the North Dakota bleached flour case in full. It will be remembered that a few years ago Dr. Winton, in a paper on the food work of foreign countries, called attention to the bleaching of flour and the experiments made in Europe to determine its quality and wholesomeness. About a year ago Commissioner Ladd of North Dakota prepared a bulletin on bleached flour, in which he condemned the practice of bleaching as contrary to the North Dakota food law.

The millers, learning of this bulletin, secured an injunction against its distribution. Mr. Ladd took the case to the Supreme Court on a writ of prohibition. That body held that Judge Pollack had jurisdiction and that the case should be heard on its merits. The suit was then started and expert testimony offered on both sides, and at its conclusion Judge Pollack took the case under advisement.

Apparently the decision pleases both sides of the controversy; the millers, in establishing the purity and excellence of their product, and Commissioner Ladd because it enables him to force it off the North Dakota market. The admission of the millers that bleached flour contained an infinitesimal amount of nitrous acid was fatal to their case. The general impression will be that the case, terminating as it did in favor of the food commission, and requiring the millers to pay all court costs, was a decided victory for Food Commissioner Ladd.

#### HON. JOHN G. CAPERS.

Hon. John G. Capers, Commissioner of Internal Revenue, who in connection with Secretary of Agriculture James Wilson and Renick W. Dunlap, Assistant Chief of the Division of Chemistry, have been commissioned to review the whisky controversy, is a southerner by birth and education, and is still a comparatively young man. He was born in Anderson, S. C., in 1866, and received his education in the South Carolina Military Academy, Charleston, and Columbia University, from which latter he graduated in the law school in 1887. He was admitted to practice in the same year.

In political affairs he was first a Democrat, but in 1896, on the nomination by the Democrats of William Jennings Bryan for President, cast his fortunes and his vote for William McKinley.

In 1901 he was appointed U. S. District Attorney for South Carolina. He was delegate-at-large to the Republican National Convention in Chicago in 1904, and a member of the Republican National Committee since 1904.

He was made U. S. Internal Revenue Commissioner June 1, 1907. On the passage of the denatured alcohol law it became necessary before adopting regulations for the enforcement of the law for representatives of the department to go to Europe to study the way similar laws were enforced there. Commissioner Capers and Charles A. Crampton were selected for this responsible work. As Commissioner of Internal Revenue Commissioner Capers has had many hard knots to untangle but he has done his work in an energetic and progressive manner.



**NO. 2 OATS.**

A case has just been tried in the District Court of the United States, Eastern District of Tennessee, Judge Sanford sitting, against the Bartlett Commission Co., for violating the National Food and Drugs Act, in shipping through interstate commerce a consignment of oats.

The oats were represented to be No. 2 mixed oats, which, according to the standards of the board of appeals, "shall be sweet, reasonably clean, and reasonably free from other grains."

Mr. Shanahan of the Bureau of Grain Standardization, Department of Agriculture, defined the words "reasonably clean and reasonably free" as used to include a mixture of oats to which other grains have been added in an amount not to exceed 15 per cent. The oats in litigation contained 75 per cent oats and 25 per cent barley by weight, and the oats were adjudged misbranded. A judgment notice on this case is in preparation and will soon be published. The case is of the greatest interest to the grain world, as it establishes authority for the government officials to enforce arbitrary standards of quality when goods are marketed according to those standards.

**CHANGES IN ILLINOIS FOOD COMMISSION.**

Mr. H. E. Schucknecht has resigned his position as assistant food commissioner to accept a position as western manager of the Worchester Salt Company of New York City. His headquarters will be in the Northwestern building, Chicago. The position is regarded as not only more remunerative than state work but offers a chance for further advancement with a strong company. Judge Eagleton, who has been the legal adviser of the food commissioner and conducted most of their successful suits, also resigns and enters the law firm of Eagleton & Parker at Robinson, Ill. His growing law practice in the old firm and the advantages of the new alliance necessitated the resignation as attorney for the food commission.

Mr. Rodenberg of East St. Louis, a brother of the congressman from that district, has been appointed an inspector.

**NEBRASKA FOOD COMMISSIONER IGNORES TRADE RULES.**

The Nebraska food commissioner construes the label law of the state to apply to wholesale as well as to prepared retail packages.

In a number of cases wholesalers have made arguments both by letter and in person to the food commissioner, setting forth certain rules long established in the business and urging that the enforcement of the pure food law should take into consideration these rules which are well understood and agreed to by retailers and that the law should be so administered that these rules would not be interfered with. The holding of the deputy food commissioner, however, is that these rules in business wherever they interfere with either the letter or the spirit of the law should be ignored in the enforcement of the law so that new rules may be established that will bring business up to the law instead of asking the law to go down to and adjust itself to the old established rules.

Mr. Taft's administration will get its farming lore from the man who invented agriculture, Secretary Wilson.—Chicago Daily News, December 21.

**FOOD NOTES**

Dr. J. S. Abbott will ask the Texas legislature for some modifications of the pure food law this winter.

\* \* \*

Two saloonkeepers of Winona, Minn., were fined \$25 each for selling wine "adulterated" with "coal tar."

\* \* \*

A decision recently reached in the courts refunding a 20 per cent duty on casein as an unenumerated manufactured article and allowing the same article to come in free as "Lactarene," looks queer.

\* \* \*

The yellow press are stating the question between Dr. Wiley and his superiors with such characteristic incorrectness as to lead to the belief that the inspiration must have come from Dr. Wiley himself.

\* \* \*

Dr. Woodward, health officer in the District of Columbia, has commenced prosecution of milk dealers and threatens later to bring prosecutions against other dealers in food under the National Food and Drugs Act.

\* \* \*

A company has recently been started in Glasgow having for its object the safeguarding of the property of foreign patentees selling in the British Isles, and one of their pamphlets may be obtained from the United States Bureau of Manufactures.

\* \* \*

A suit has been filed by William Bros. of Detroit, Mich., and Curtice Bros. Co. of Rochester, N. Y., to restrain the Indiana Board of Health from enforcing a rule relating to the prohibition of benzoate of soda in foods, similar to an action which terminated favorably to them in the courts of Wisconsin.

\* \* \*

Farmers in the milk supply district are kicking vigorously against the enforcement of the health ordinance of Chicago requiring all milk sold in the city to be pasteurized or to come from tuberculin tested cows. Time has been extended to the dairymen to meet the requirements of the ordinance.

\* \* \*

S. L. Mains of Crete, Nebraska, is to be the new assistant food commissioner of Nebraska. L. J. Fuel of Lincoln, Nebraska, draws a \$3 a day inspectorship.

The Nebraska food law makes the governor ex-officio food commissioner, hence the assistant commissioner has charge of the office and is in effect commissioner.

\* \* \*

A case has been brought in St. Louis under the National Food and Drugs Act against the Edward Weston Tea and Spice Co. of St. Louis for shipping on or about July 2, 1907, lemon flavor which contained .2 of 1 per cent oil of lemon. It is stated that the food law requires 5 per cent of lemon, although such requirement must have been read into the law subsequent to its passage, as a careful search fails to find it in the law as signed by the President.

\* \* \*

A new food bill has been prepared for the Pennsylvania legislature to take the place of the one lately



declared to be unconstitutional and a dead letter. The new bill as explained by Commissioner Foust, who fathers and fosters it, specifies the percentage of preservatives or varieties of preservatives that are injurious, thus dispensing with expert testimony in prosecutions.

The guarantee clause has been eliminated in the new bill but provisions for a hearing similar to the Illinois law has been inserted to satisfy the retailer. The retailer is thus to be given an opportunity to stop selling adulterated goods before prosecution can be commenced.

\* \* \*

A very important decision was recently handed down by the Supreme Court involving the right of the state or municipality under its "police power" to enforce any necessary regulations for the protection of the public health.

The federal tribunal sustains a Chicago ordinance which authorizes the condemnation and destruction of tainted foods in addition to preventing their sale. The destruction of food is the destruction of property, but the power to protect public health includes the power to order the seizure and destruction, even without a hearing, of unwholesome food that is unfit for human consumption. Not to destroy such food is to put too much temptation in the way of weak or careless dealers.

\* \* \*

Investigation shows that Secretary Wilson must serve until November 29, 1909, in order to equal the record for long service in the cabinet of Albert Gallatin, who was secretary of the treasury for twelve years, eight months and twenty days.



HON. ANDREW FRENCH.  
Dairy and Food Commissioner of Minnesota.

### PURE FOOD AND POLITICS.

We note with interest the attitude of some of our Massachusetts contemporaries in taking up the cudgels in behalf of Dr. Wiley, chief of the pure food department of the agricultural department at Washington, whose official light nowadays is not burning so brightly as formerly. When Dr. Charles Harrington, secretary of the State Board of Health, died, a few months ago, every one of these papers was most eulogistic of praise of his services to the state and nation, the cause of science in general and pure food in particular; yet if Dr. Wiley is the model health officer and the world's champion of pure food, the praise given Dr. Harrington during his life time, and after his death, must be undeserved because in method and character he was Dr. Wiley's exact opposite.

Dr. Harrington built up a set of pure food regulations for Massachusetts which stand to-day as the model of this country, and the best results which Dr. Wiley achieved have been by adopting Dr. Harrington's rules for the nation. Dr. Harrington regarded Dr. Wiley not as a pure food scientist, but somewhat of a political bully seeking political advertisement all the time.

President Roosevelt and Secretary Wilson have apparently awakened up to the fact that Dr. Wiley has been building up a machine to influence public sentiment, and is rapidly getting into a position where his acts, no matter how unjust, cannot be overruled, thus making himself greater than the President of the United States or the Secretary of Agriculture, whose subordinate he is.

This pure food propaganda has been a great thing for the public, which has been taught the dangers of adulteration, but this result could have been accomplished equally well without using the method of issuing silly regulations to-day to repeal them to-morrow, until the food manufacturers never knew whether they were afoot or on horseback, and have been put to millions of dollars of needless expense without doing the people any particular good.

The people need at the head of the pure food department at Washington a scientific man of Dr. Harrington's type, who, without prejudice for, or against, any special food product, or craving to advertise himself, will protect the stomachs of the people by insisting on pure food and will not keep jumping from one fad to another. Dr. Wiley's temperamental disabilities make him wholly unfit for the position he holds.—*Boston Traveler.*

### STUDENTS TO TEST FOOD.

The Kewanee *Illinois Star-Courier* favors the suggestion made by Illinois food inspectors that the "City Health Department purchase the simple apparatus needed for testing milk and other foods about which any suspicion is raised. Then when tests are made and evidence of adulteration is found quick action can be obtained through the State Department. The High School laboratory, it suggests, might become a public benefactor by making the tests.

The Illinois food inspectors at least are fertile in suggestions. However, State Analyst Dr. Brian will hardly relish the idea of the high school laboratory performing the tests which, in the judgment of the inspectors and the editor of the *Star-Courier* are necessary to protect the public from adulterated food, and by use of simple apparatus which has cost the state approximately \$10,000 in the last two years.



### 'BENZOATE OF SODA LOSES IN INDIANA.'

In the United States Circuit Court for the District of Indiana on Thursday, January 6, 1909, Judge A. B. Anderson, district judge, denied a temporary injunction to the Williams Brothers Company of Detroit, Mich., and the Curtice Brothers Company of Rochester, N. Y., picklers and preservers, to restrain Harry E. Barnard, Indiana food and drug commissioner, and the Indiana State Board of Health from enforcing the Indiana pure food law, enacted by the general assembly of that state in the year 1907, and the rules of the State Board of Health passed in accordance therewith, respecting the use of benzoate of soda and similar preservatives in food products for the coming packing season, that of 1909. This is the first ruling of a United States court upon the use of benzoate of soda under state pure food laws, with the exception of that of the United States Circuit Court for the Western District of Wisconsin, which was made by Judge A. L. Sanborn on November 28, 1908, by agreement of the defendant, John Q. Emery, dairy and food commissioner of the state of Michigan, that he would postpone any interference with complainant's business on the ground that the use of benzoate of soda was injurious to health until the report of the referee board appointed by President Roosevelt.

#### THE BILL.

The bill of complaint in the Indiana case alleged, in substance, that the complainants were non-residents of the state of Indiana, engaged in preserving, canning and manufacturing tomatoes and pickle products, with an aggregate capital of over two and a half million dollars, an aggregate annual production of two million dollars and aggregate sales in the state of Indiana of eighty thousand dollars; that the approximate annual output of food products, prepared with benzoate of soda by complainants and others in the United States amounts to about sixty million dollars and that in raising these products forty thousand acres of land are used and one hundred thousand people employed each year; that sweet pickles and tomatoes when converted into catsup have from time immemorial required some kind of a preservative, in order to keep them from fermenting and spoiling, exclusive of salt, saltpeter, sugar, vinegar, spices or smoke; that various preservatives have been used, but for the past fifteen years benzoate of soda has come into general and almost exclusive use for such purpose; that the amount used by complainants does not exceed two-tenths of one per cent and usually but half that much; that benzoic acid and closely related compounds are found in the vegetable as well as the animal kingdom and are natural products discharged by the human body and that an ordinary sauce dish of cranberries contains three times the amount of benzoic acid contained in a tablespoonful of catsup; that the oil of bitter almonds is converted into benzoic acid when taken into the human system, but is permitted to be sold by the Indiana State Board of Health, but that the addition of even the smallest amount of these acids to sweet pickles or tomato catsup is forbidden; that the United States army department requires a catsup put up with the use of benzoate of soda; that unless complainants can use benzoate of soda in the preparation of food and vegetable products, such prohibition will absolutely destroy all that portion of their business devoted to sweet pickles and catsup and that they will have to discontinue the manufacture and sale of such products and lose many hundreds of thousands of dollars now invested in machinery and appliances; that the use of benzoate of soda does not lower, reduce or injuriously affect the quality or strength of any fruit or product with which it is mixed, it being colorless, and that the use of benzoate of soda conforms with the national food and drug acts; that the use of benzoate of soda is harmless and has never been known to injure the health of any person; that some discussion of its use has arisen in the United States and that by virtue of an act of Congress, President Roosevelt, in the spring of 1908, appointed a commission to examine into and report upon the effects of the use of benzoate of soda, if any could be discovered, that said commission is composed of the most eminent scientific specialists in the United States and that said commission has not yet made its report.

The bill then alleges that the defendants, as food and drug commission and members of the State Board of Health, have adopted certain rules which will prohibit the use of benzoate of soda in complainants' products hereafter and that the defendants have notified complainants' consumers all over the state of Indiana that if they sell products of complainants they will be violating the laws of the state and will be prosecuted criminally and that complainants' products do not conform to the laws of the state, warning the public and cus-

tomers of complainants generally not to purchase such goods and that defendants have entered upon a course of intimidation and coercion and have conspired together for the purpose of ruining the business of complainants.

The bill alleges that the Indiana statutes and the rules adapted by the State Board of Health are unconstitutional and void because they deprive complainants of their property without due process of law, and without compensation; because the reference in the Indiana pure food law to the United States Pharmacopoeia and the National Formulary was an attempt to incorporate these standards into the law by reference and therefore void under the Indiana constitution; because said pure food law vests legislative powers in the State Board of Health and if the void parts of the law enumerated were stricken out, the legislature would never have enacted the remaining portions thereof into a law.

That the complainants' products are made of good sound substances, and vegetables, are cleanly and wholesomely packed, that no inferior substances are used, that benzoate of soda is used, but that its use is plainly marked on the principal label on said goods; a temporary injunction and that this injunction might afterwards be made permanent was the prayer of the bill and that said statutes and the rules of the Board of Health in respect to the use of benzoate of soda might be declared invalid.

#### THE AFFIDAVITS.

In addition to the affidavits of Edward Kremers, Victor C. Vaughan and Walter Williams, and the verified bill, the complainants submitted the oral evidence of Walter Williams, secretary of the Williams Brothers Company.

Edward Kremers swore that he was the professor of pharmaceutical chemistry at the University of Wisconsin; that benzoic acid and closely related compounds were found in the vegetable kingdom and that benzoic acid as such is contained in the cranberry and allied fruits used for culinary purposes; that it has been suggested by Leow that such succulent fruit as those of the cranberry family which reveal remarkable keeping qualities, contain either benzoic or quinic acid, which later is converted into benzoic acid in the human system; that the affiant understands that benzoic acid is not found in cucumbers or tomatoes; that although the amount of benzoic acid added to pickled cucumbers is somewhat larger than has thus far been found in fruits in their natural condition, the amount added, as a rule, does not exceed two-tenths of one per cent, so that the dose administered to the human system at any time is very small indeed; that as a matter of fact benzaldehyde and cinnamic aldehyde are both contained in formula (e. g., Extract of Bitter Almond) approved by the food standards committee under direction of the Department of Agriculture, although the former is said to be converted into benzoic acid and the latter presumably into cinnamic acid in the human system, but the addition of even the smallest amounts of these acids, said to be formed naturally in the human organism through the administration of spices and foods used by mankind for thousands of years is now forbidden in the state of Wisconsin.

Walter Williams showed by his affidavit that he is secretary of the Williams Brothers Company; that through his agent in the city of New York, the Naval Department of the United States sent his said company the annexed specification of foods to be furnished said department during November, 1908. (Specifications call for the use of benzoate of soda in catsup.)

Victor C. Vaughan deposed in his affidavit that he is professor of hygiene and physiological chemistry and dean of the department of medicine and surgery at the University of Michigan; that he has experimented with benzoic acid and its effects upon the human system when used as a preservative in foods and has not been able to discover any ill effects upon the human organism when used in amounts generally used by food manufacturers, to wit, from 1/10 to 2/10 of one per cent; that benzoic acid and closely related compounds are found in the vegetable as well as the animal kingdom and that benzoic acid as such is contained in the cranberry and allied fruits; that it has been suggested by Leow that such succulent fruits as those of the cranberry family which reveal remarkable keeping qualities contain either benzoic or quinic acid, which later is converted into benzoic acid in the human system; that affiant is familiar with the experiments of the various scientists upon the subject of the use of benzoate of soda and that there is nothing at this period to demonstrate that such use is injurious; that he has never heard of any bodily ailment that could be traced to the use of benzoate of soda; that affiant is aware that a body of expert scientists appointed by the president of the United States are now conducting a series of experiments



to determine whether or not any injurious effect can be traced to the use of benzoate of soda or benzoic acid as preservatives in food; that affiant has no personal knowledge of such experiments but gives his opinion that in the light of the present scientific knowledge concerning benzoic acid, it is not deleterious to use the same as a preservative in foods in the proportion generally used.

Walter Williams was examined orally and testified to the size and amount of complainants' business, the amount of money approximately expended by them in experiments with the packing of tomato catsup and sweet pickles without the use of benzoate of soda, that they had not been able to put up tomato catsup and sweet pickles so that they would keep after the same were opened for use without the use of benzoate of soda or similar preservative, that the use of a preservative was necessary to enable them to carry on their business in said food products.

The principal affidavits submitted by the defendants were those of Sebastian Mueller, Charles F. Loudon, William P. Hapgood, Arvill W. Bitting and Harry E. Barnard.

Sebastian Mueller deposed that he is the general manager of the H. J. Heinz Company and that for twenty-four years he has had extensive experience in the manufacture of fruit and vegetable products, including sweet pickles and tomato catsup; that since 1904 said H. J. Heinz Company has packed over 16,000,000 bottles of catsup in which they have used no benzoate of soda, benzoic acid or similar preservative; that in 1907 and 1908 said company put up, in a similar manner without the use of benzoate of soda, 250,000 gallons of tomato catsup in five gallon cans and wooden casks of 46 gallon capacity, many of which casks were shipped to England and there their contents placed in bottles and sold; that the approximate value of this tomato catsup was two and a half million dollars and that it has been shipped all over the civilized world and has kept with less fermentation and loss occasioned thereby than when benzoate of soda was used by said company; that from 1898 to 1908, said company has packed large quantities of sweet pickles in glass without the use of benzoate of soda, and that during 1907 and 1908 said company has packed over a million and half dollars' worth of bulk sweet pickles without the use of benzoate of soda or similar preservatives; that it has been absolutely demonstrated that benzoate of soda or other similar preservatives are not necessary in the packing of tomato catsup, sweet pickles in bottles or bulk and that said products can all be packed without the use of said preservatives, with commercial success; that the objections to the use of benzoate of soda and benzoic acid in tomato catsup, sweet pickles and other food products, are first, because all such foods can be manufactured without the use of such preservatives and, second, because the use of chemical preservatives encourages the use of poor and unfit raw material, waste products unfit for food and the maintenance of unsanitary premises and carelessness in the handling and manufacture of food products.

Charles F. Loudon deposed that he is the president of the Loudon Packing Company of Terre Haute, Ind.; that during the season of 1908, said company packed over one million four hundred thousand bottles of tomato catsup and twenty-five thousand one gallon cans of tomato catsup, 90 per cent of which was packed without the use of benzoate of soda; that practically all of said product has been delivered and that affiant and said company have received numerous reports from the persons to whom said products were sold and they are better satisfied with tomato catsup packed without the use of benzoate of soda than with the tomato catsup they have been purchasing formerly packed with the use of benzoate of soda; that in deponent's opinion it has been absolutely demonstrated that the packing of tomato catsup without the use of benzoate of soda or other chemical preservative except salt, sugar, vinegar and spices is a success commercially; that during the past eighteen months the Pullman Company has used from 30,000 to 50,000 bottles of deponent's catsup on its buffet cars in the United States and Mexico, said catsup being made without the use of benzoate of soda and that no complaint has ever reached this affiant in reference to the fermentation or deterioration of any said catsup; that certain experiments were made at the said packing establishment of which affiant is president by Dr. Bitting, special agent and investigator of the Bureau of Chemistry, Department of Agriculture of the United States in 1907; that up to the time of said experiments this affiant was opposed to the packing of tomato catsup without the use of benzoate of soda and was convinced that the same could not be conducted with commercial success, but that this deponent is now firmly convinced that tomato catsup can be packed with

commercial success without the use of benzoate of soda or similar preservative by the selection of sound ripe tomatoes, proper and sanitary handling of the same, the use of salt, sugar, vinegar and spices and the sterilization of the catsup.

William P. Hapgood deposed that he is the president of the Columbia Conserve Company, which is an Indianapolis packing establishment, engaged in the business of packing tomato catsup, apple butter and other food products; that in 1906, said company first packed tomato catsup without the use of benzoate of soda or other similar preservative, putting up over two hundred thousand bottles that year; that during the packing seasons of 1907 and 1908 said company packed over three million bottles of tomato catsup without the use of benzoate of soda; that during the time this company has put up tomato catsup without the use of benzoate of soda the loss from fermentation has been about one-fifth of one per cent and that this is a much smaller loss proportionately than sustained by said company when it packed its catsup with the use of benzoate of soda; that the experience of said company has clearly demonstrated that tomato catsup can be packed and put up by the use of salt, sugar, vinegar and spices by sterilizing the completed product, so that it can be safely packed, shipped and consumed without any appreciable amount of fermentation or deterioration; that since May 1, 1907, said company has put up three hundred thousand bottles of apple butter in bottles holding one and one-thirds and two and two-thirds pounds and over two hundred thousand pounds of bulk apple butter without the use of benzoate of soda and that this apple butter has been shipped all over the United States and that it has kept without loss, not even a single case, resulting from fermentation or mold; that during the season of 1907 and 1908, said company has packed 1,800 barrels of green tomato pickles without the use of benzoate of soda and that said product has been entirely satisfactory; that affiant is firmly convinced that the packing of tomato catsup without the use of benzoate of soda can be and is a commercial success.

Arvill W. Bitting in his affidavit says that he has been engaged in bacteriological work for the past twenty years and that for twelve years he was a professor in Purdue University; that he has been for several years engaged in experiment work for the United States government under the direction of Dr. H. W. Wiley of the Bureau of Chemistry of the Department of Agriculture; that affiant has visited a number of canning factories and made experiments and tests of tomato catsup manufactured therein; that tomato catsup prepared without the use of benzoate of soda is packed as follows: The tomatoes are carefully selected, they are handled in a sanitary manner and then the finished product is sterilized; that tomato catsup prepared as above indicated can be shipped in bottles varying in size from four to thirty-two ounces and when so packed will keep without deterioration.

Harry E. Barnard deposes that he is chemist to the Indiana State Board of Health and that by virtue of such office is food and drug commissioner of Indiana; that the said State Board of Health on the 8th day of October, 1908, adopted the following rule and regulation: "The use of any antiseptic or preservative substance except salt, saltpeter, sucrose, vinegar and spices is prohibited, but one-tenth of one per cent of sodium benzoate may for the packing season of 1908, be used for preserving tomato catsup"; that this defendant has attempted to enforce the rules of said State Board of Health and has informed many persons that the use of benzoate of soda after the year 1908 in food products was unlawful, but that he has never threatened to nor has he ever instituted any prosecutions for violations of the pure food law by the use of benzoate of soda; that he has never threatened or intimidated the dealers handling complainants' products nor has he ever attempted to do so; that affiant believes that the use of benzoate of soda, benzoic acid or sodium benzoate in food products, in the quantities used by complainants, is harmful when said food is used for human consumption; that this affiant has never personally conducted any experiments with benzoate of soda used in food products upon the human system but that he has knowledge of the experiments conducted by Dr. H. W. Wiley in reference to the use of benzoate of soda and its effect upon the human system; that these experiments were conducted by administering to a number of healthy men benzoate of soda and examining their secretions before, during and after the tests; that these experiments showed that when benzoate of soda is administered to healthy young men it causes discomfort, malaise, headache, nausea, increase of hunger, vomiting, and attendant loss of weight; that benzoate of soda has no quality which entitles it to any place as a food product and that in passing through the digestive tract it affords neither heat nor energy, does not restore waste tissue, does not in-



crease or diminish the saline contents of the blood and takes no part in osmosis; that it has been absolutely established by the investigations of the Bureau of Chemistry of the Department of Agriculture that there is not a single article of food which has been commonly preserved by the use of benzoate of soda which cannot be preserved and offered to the consumer in perfect condition without the aid of any chemical preservative; that forty canning factories in the State of Indiana packed their pulp for tomato catsup during the season of 1908 without the use of benzoate of soda; that in the preparation of tomato catsup certain manufacturers are in the habit of using stock that is decayed, fermented, decomposed or rotten and that when stock of that character is used it is necessary in order to prevent its further decomposition or fermentation and in order that the same may be sold upon the market, to add thereto benzoate of soda and that benzoate of soda is ordinarily and commonly used in preserving goods of that character.

#### COMPLAINANTS' BRIEF.

Complainants claimed in substance: The pure food law of 1907 is unconstitutional and void because it is contrary to the fourteenth amendment to the constitution of the United States in that it deprives complainants of their property and property rights without due process of law and without compensation. This is particularly true because benzoate of soda is harmless; no other way of packing tomato catsup and sweet pickles is known to complainants whereby the product can be successfully packed and kept during the time they are undergoing consumption.

This is not a suit against the state within the meaning of the eleventh amendment to the constitution of the United States, for the bill is against state officers, claiming to act under color of a statute which is constitutional and valid, but wrongfully administered by them, and the acts which they are committing and threatening to commit are illegal and wrongful and the administration of such a statute is an illegal burden and exaction upon the complainants.

*Scully v. Bird*, 209 U. S. 481.

Where a bill sets forth fact showing that complainants made efforts to have their product labeled in accordance with law and made an effort to have the law officers of the state bring a test case in the courts to decide the constitutionality of a statute and its applicability to complainants, and where the defendants assumed a hostile attitude towards complainants' products and conducted a systematic crusade against the sale of their goods and alleged that the crusade was not conducted in good faith, but was actuated by malice and ill will; that complainants attempted to secure defendants to commence prosecutions, but that this was refused and a course of "circularizing" the dealers of the state handling complainants' products was entered upon to the deprivation of complainants' property rights, such a bill is not a suit against the state and shows a good cause of action.

*Scully v. Bird*, 209 U. S. 481.

Injunction will lie to restrain a combination of persons from acts which tend to ruin complainants' business by bringing to bear upon his customers intimidating and coercive means. If the acts threatened are unlawful, it cannot be doubted that placing in the hands of every dealer in the state a bulletin which in effect threatens them with prosecution in case they make use of these products in the form in which they are lawfully sold to them, would absolutely exclude complainants' business from the state and would constitute a violation of the property rights of the person affected and relief would be granted by way of injunction.

*Pratt Food Co. v. Bird*, 148 Mich. 631.

*Beck v. Protective Union*, 118 Mich. 497.

*American School of Magnetic Healing v. McAnnulty*, 187 U. S. 94.

#### DEFENDANTS' BRIEF.

Whatever laws are necessary to protect the public health and secure public comfort can be passed by the legislature and their discretion in this class of cases is not subject to judicial review, unless some individual is deprived of his personal rights or property thereby.

*Blue v. Beach*, 155 Ind. 121, 131.

Section 1 of Article IV of the Indiana constitution provides—

"The legislative authority of the state shall be vested in the General Assembly, which shall consist of a senate and house of representatives."

The delegation to the State Board of Health by the Indiana pure food law of authority to make reasonable rules for the enforcement of said law and to adopt standards, etc., is not in conflict with the above provision from the Indiana constitution.

*Blue v. Beach*, 155 Ind. 121, 130, 131.

*Polinsky v. The People*, 73 N. Y. 65, 68.

*Coopersville Co-operative Creamery Co. v. Lemon*, 163 Fed. 145, 147, 149 (Advance sheets of Federal Reporter, dated October 8, 1908).

*Isenhour v. State*, 157 Ind. 517.

An earlier Indiana pure food law, almost in terms identical as far as the disputed portions are concerned, with the present law, was upheld by the Indiana Supreme Court in the case of *Isenhour v. State*, 157 Ind. 517. It is the peculiar province of the Supreme Court of a state to interpret the organic law under which it acts, and its decisions in respect thereto will be adopted by other courts, federal and state.

*Am. & Eng. Ency. Law*, Vol. 6, p. 935 (f) and note 5, and numerous authorities there cited.

*Converse v. Mears*, 162 Fed. 767, 771.

Where a board is vested with authority to adopt rules or by-laws, by the legislature, such rules and by-laws within the respective jurisdictions have the same force and effect as a law of the legislature and are in force by the authority of the state, but such rules must be reasonable and by such rules no action can be taken contrary to law or opposed to the fundamental principles of justice.

*Blue v. Beach*, 155 Ind. 121, 131.

The rules adopted by the State Board of Health are entirely reasonable, for the following reasons:

1. The showing of all the affidavits submitted in this case is that benzoate of soda is without any food value.

2. The affidavits show that it may conceal inferiority of materials and workmanship.

3. That the preponderance of these affidavits is that benzoate of soda is harmful when taken into the human system with food products, and that there is at least a well defined dispute upon the question of its harmfulness.

4. That it is entirely possible to put up tomato catsup and sweet pickles without the use of benzoate of soda or similar preservatives.

5. That benzoate of soda is commonly and ordinarily used by manufacturers who are in the habit of using stock that is decayed, fermented, decomposed or rotten, and that when stock of that character is used it is necessary in order to prevent its further decomposition or fermentation to use benzoate of soda.

Even if the court should determine that a part of this law is unconstitutional, the remaining portions can all stand without the void parts and the court will so construe the law.

*Cooley, Constitutional Limitations*, p. 212-214.

#### DECISION OF THE COURT.

Judge Anderson did not hand down any written opinion, but denied the injunction sought orally.

The following points were made in substance by the court in announcing his decision:

1. The constitutionality of the Indiana pure food law has been determined by the Indiana Supreme Court in *Isenhour v. State*, 157 Ind. 517, as far as it is affected by the constitution of Indiana. The decision of the Indiana Supreme Court upon questions arising under the organic law of Indiana is binding upon all courts.

2. That it is well settled that as far as the United States Government and the State of Indiana are concerned, there are three separate and distinct departments of government—the legislative, judicial and executive. The public health is a thing the legislature has a right to safeguard and protect. The pure food law is a part of the police power of the state.

3. The presumption is in favor of the validity of the statute and the good faith of the officers acting thereunder.

4. That there is no case which has been called to the attention of the court in which the federal authorities have stepped in and stopped the state food officers from enforcing the provisions of the state food laws.

5. That the defendants are not attempting to say that complainants shall not sell catsup and pickles in the state of Indiana, but only catsup and pickles in which is mixed benzoate of soda as a preservative.

6. That the defendants have the better of the case as to whether benzoate of soda is injurious. That the court is impressed with the proposition that benzoate of soda may be used to cover up careless methods in manufacture and that it is not necessary to use it if the materials are properly handled. If its use conceals the fact that proper methods have not been used, a rule of the State Board of Health prohibiting its use is reasonable.

The court did not pass upon the sufficiency of complainants' bill to withstand a demurrer. The demurrer to the bill will probably be argued orally in February, 1909.



**BULLETIN NO. 12, ILLINOIS FOOD COMMISSION.****BENZOATE OF SODA IN SODA WATER SUPPLIES.**

It has come to the attention of this department that the fruits and syrups used at soda water fountains are, in very many cases, adulterated with benzoate of soda. No notice is given the consumer that the goods contain benzoate of soda. The healthfulness of this substance is seriously questioned.

Soda water is consumed in large quantities by many individuals, some of whom would not voluntarily consume food containing benzoate of soda. Therefore, the prospective customer should be notified when the syrups or fruits used at the fountain contain this questionable substance so that he may use his discretion as to purchasing it.

The law requires that the retailer inform the consumer by label for these are manufactured foods.

In the case of syrups and fruit products which contain benzoate of soda and which are sold from soda water fountains and not from the original, properly labeled package, a placard prominently placed, and in large letters so as to be easily read, shall be attached to the fountain bearing the statement—

THE SYRUPS AND FRUITS USED AT THIS FOUNTAIN ARE PRESERVED WITH 1-10 or 1 PER CENT OF BENZOATE OF SODA.

The sale of such goods not so labeled or placarded will subject the vendor to prosecution.

The use of not to exceed 1-10 of 1 per cent of benzoate of soda in food labeled or placarded as above will not be contested pending the report of the Referee Board of Consulting Scientific Experts appointed by President Roosevelt.

A. H. JONES,

State Food Commissioner.

Chicago, January 1, 1909.

**WOULD STOP MISBRANDING.**

Declaring that the misbranding of eggs and butter in the Seattle market has become so common that it is time violators should be arrested and fined in accordance with the pure food laws of the state, Secretary Higgins of the Seattle Retail Grocers' Association has sent the following letter to L. Davies, Washington State Dairy and Food Commissioner:

"My attention has been called lately to the very transparent frauds by numerous wholesale and retail dealers in butter and eggs, by misbranding these articles. Wholesalers are candling storage stocks, selecting the best from them and marketing them as Oregon ranch eggs, select fresh Eastern eggs, etc. Butter in many instances also is being mislabeled. Best grades of Eastern butter are being marketed under Washington brands. Retailers are labeling eggs Oregon ranch, strictly fresh Eastern eggs, strictly fresh ranch eggs, and quoting a retail price on them from 20 to 35 cents less than the wholesale price of strictly fresh eggs. Any business man knows that fresh eggs costing from 55 to 60 cents per dozen cannot be retailed at 30 and 35 cents a dozen, and that anyone labeling strictly fresh eggs at such a price is misbranding them.

"The price itself is evidence that the parties are deceiving the purchasers. You, no doubt, have noticed the last bulletin of the Department of Agriculture, wherein Golden & Co. of Washington, D. C., were found guilty of misbranding eggs and fined \$75.

"Our law is identical with the law under which this party was fined, and should be enforced in order to protect the innocent purchasers and the honest retailers. The signs with the price alone ought to furnish all the evidences necessary to convict in dozens of cases in this city, and what is true of Seattle will apply in every city in the state of any size. I believe notice should be served on all wholesalers and retailers at once that misbranding of butter and eggs will be prosecuted to the fullest extent of the law, if continued, and an example of some of them made if they continue the practice."

F. I. D. 99

Issued December 12, 1908

## United States Department of Agriculture

OFFICE OF THE SECRETARY.

BOARD OF FOOD AND DRUG INSPECTION.

### FOOD INSPECTION DECISION 99.

#### CHANGE IN FORM OF GUARANTY LEGEND.

(Amending Section *b* of Regulation 9.)

Section 9 of the Food and Drugs Act, June 30, 1906, provides that no dealer shall be prosecuted under the provisions of the act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party residing in the United States, from whom he purchases such articles, to the effect that the same are not adulterated or misbranded within the meaning of the act. There is a further provision that the guarantor shall, if the goods be adulterated or misbranded within the meaning of the act, be amenable to the prosecutions, fines, and other penalties which would attach in due course to the dealer.

Section *b* of Regulation 9 provides that a general guaranty may be filed with the Secretary of Agriculture by the manufacturer or dealer and be given a serial number, which number should appear on each and every package of goods under such guaranty, with the words "Guaranteed under the food and drugs act, June 30, 1906."

It is obvious from a reading of section 9 of the act that the guaranty is in no sense a guaranty by the Government, and that it is merely an assumption of responsibility for the character or labeling of the goods by the manufacturer, jobber, or packer. Yet, notwithstanding this plain fact, attempts have been made by some unscrupulous persons to cause the public to interpret the phrase "Guaranteed under the food and drugs act, June 30, 1906," as a guaranty by the Government that the goods upon which the phrase appears are pure and conform, in all respects, with the provisions of the act. This misrepresentation has been scattered broadcast in prominent advertisements in the press, and by means of circulars and billboard posters. Even in the absence of such misrepresentations there can be no doubt that the phrase, unfortunately, is misleading, and is therefore prohibited by the law and should be changed. The Commissioner of Patents has refused to register trade-marks of which the phrase formed a part, on the ground that it is misleading and under the law can not be registered. The Board of Food and Drug Inspection for some time has realized that the wording of the guaranty legend should be changed, but it has also been mindful of the fact that the manufacturers and jobbers of the United States have, in the aggregate, large sums of money invested in labels and plates, upon which appears the legend in its present form, a form indorsed by the regulations and copied therefrom in good faith by the owners of these labels and plates. Entirely apart from the expense and loss of property, it is a fact that a change in the form of the legend, without due notice, would seriously embarrass business interests, because the printing and lithographing of new labels will require considerable time.

As a solution of the question, the Board recommends that the guaranty legend be changed so as to show plainly that the guaranty is that of the manufacturer and not of the Government, that the old form of labels now in use representing guaranties already filed with the Department of Agriculture shall be recognized for a term of two years, and that for all guaranties filed with the Department of Agriculture on and after January 1, 1909, the guaranty legend shall read "Guaranteed by [insert name of guarantor] under the food and drugs act, June 30, 1906."

Accordingly the following amendment is proposed to Regulation 9 of the Rules and Regulations for the Enforcement of the Food and Drugs Act:

Section *b* of Regulation 9 is hereby amended to read as follows:

(*b*) A general guaranty may be filed with the Secretary of Agriculture by the manufacturer or dealer and be given a serial number, which number shall appear on each and every package of goods sold under such guaranty with the words "Guaranteed by [insert name of guarantor] under the food and drugs act, June 30, 1906."

This amendment shall become and be effective on, and after January 1, 1909. Labels bearing the form of guaranty legend provided in the original regulations and representing



guaranties now on file with the Department of Agriculture may be used for a period of two years, but it is suggested that, as new labels are prepared the change in the form of guaranty legend should be made.

H. W. WILEY,  
F. L. DUNLAP,  
GEO. P. McCABE,

*Board of Food and Drug Inspection.*

Approved:

GEO. B. CORTELYOU,  
*Secretary of the Treasury,*

JAMES WILSON,  
*Secretary of Agriculture,*

OSCAR S. STRAUS,  
*Secretary of Commerce and Labor.*

WASHINGTON, D. C., December 8, 1908.

F. I. D. 100

Issued December 10, 1908

## United States Department of Agriculture

OFFICE OF THE SECRETARY  
BOARD OF FOOD AND DRUG INSPECTION

### FOOD INSPECTION DECISION 100

#### BEACHED FLOUR

Flour bleached with nitrogen peroxid, as affected by the Food and Drugs Act of June 30, 1906, has been made the subject of a careful investigation extending over several months.

A public hearing on this subject was held by the Secretary of Agriculture and the Board of Food and Drug Inspection, beginning November 18, 1908, and continuing five days. At this hearing those who favored the bleaching process and those who opposed it were given equal opportunities to be heard.

It is my opinion, based upon all the testimony given at the hearing, upon the reports of those who have investigated the subject, upon the literature, and upon the unanimous opinion of the Board of Food and Drug Inspection, that flour bleached by nitrogen peroxid is an adulterated product under the Food and Drugs Act of June 30, 1906; that the character of the adulteration is such that no statement upon the label will bring bleached flour within the law; and that such flour can not legally be made or sold in the District of Columbia or in the Territories; or be transported or sold in interstate commerce; or be transported or sold in foreign commerce except under that portion of section 2 of the law which reads:

\* \* \* *Provided*, That no article shall be deemed misbranded or adulterated within the provisions of this act when intended for export to any foreign country and prepared or packed according to the specifications or directions of the foreign purchaser, when no substance is used in the preparation or packing thereof conflict with the laws of the foreign country to which said article is intended to be shipped; \* \* \*

In view of the extent of the bleaching process and of the immense quantity of bleached flour now on hand or in process of manufacture, no prosecutions will be recommended by this Department for manufacture and sale thereof in the District of Columbia or the Territories or for transportation or sale in interstate or foreign commerce, for a period of six months from date hereof.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., December 9, 1908.

F. I. D. 101.

Issued December 26, 1908

## United States Department of Agriculture

OFFICE OF THE SECRETARY  
BOARD OF FOOD AND DRUG INSPECTION

### FOOD INSPECTION DECISION 101

#### BENZOATE OF SODA

Frequent inquiries have been received by the Department in regard to the use of benzoate of soda in foods. The following is typical of this class of inquiries:

In F. I. D. 89, the position of the National authorities in

regard to the use of benzoate of soda is to allow its use in food, pending the report of the Referee Board of Consulting Scientific Experts. Based upon Bulletin 84, Part IV., of the Bureau of Chemistry, issued subsequent to F. I. D. 89, certain manufacturers of food products are representing to the officials of the States, charged with the enforcement of food laws, and to the consuming public generally, that the U. S. Government has condemned the use of benzoate in foods. We write to ask the position of the Department on this subject.

The Department has not changed the position outlined in Food Inspection Decision 89. Pending the determination by the Referee Board of the wholesomeness or unwholesomeness of benzoate of soda, its use will be allowed under the following restrictions:

Benzoate of soda, in quantities not exceeding one-tenth of one per cent, may be added to those foods in which generally heretofore it has been used.

The addition of benzoate of soda shall be plainly stated upon the label of each package of such food.

F. L. DUNLAP,  
GEO. P. McCABE,

*Board of Food and Drug Inspection.*

Approved:

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., December 23, 1908.

F. I. D. 102

Issued December 26, 1908

## United States Department of Agriculture

OFFICE OF THE SECRETARY  
BOARD OF FOOD AND DRUG INSPECTION

### FOOD INSPECTION DECISION 102

#### ENTRY OF VEGETABLES GREENED WITH COPPER SALTS

Until further notice, vegetables greened with copper salts, but which do not contain an excessive amount of copper and which are otherwise suitable for food, will be allowed entry into the United States, if the label bears the statement that sulphate of copper or other copper salts have been used to color the vegetables.

Food Inspection Decision No. 92 is amended accordingly.

GEO. B. CORTELYOU,  
*Secretary of the Treasury.*

JAMES WILSON,  
*Secretary of Agriculture.*

OSCAR S. STRAUS,  
*Secretary of Commerce and Labor.*

WASHINGTON, D. C., December 23, 1908.

Issued December 19, 1908

## United States Department of Agriculture

OFFICE OF THE SECRETARY.—Circular No. 27.

### TESTS OF BRUSCHETTINI'S HOG CHOLERA VACCINE AND BRUSCHETTINI'S HOG CHOLERA AND SWINE PLAGUE SERUM.

The act of Congress making appropriations for the Department of Agriculture for the fiscal year ending June, 30, 1909, provides as follows:

"That the Secretary of Agriculture is authorized to purchase in the open market samples of all tuberculin, serums, anti-toxins, or analogous products, of foreign or domestic manufacture, which are sold in the United States, for the detection, prevention, treatment, or cure of diseases of domestic animals, to test the same and to publish the results of said tests in such manner as he may deem best \* \* \*"

In conformity with these provisions, samples of the following products have been tested by the Department.

1. Bruschettini's Hog Cholera Vaccine.

2. Bruschettini's Hog Cholera and Swine Plague Serum.

Both of the products are distributed by The Sorby Vaccine Company (Inc.), 163 Randolph street, Chicago, Ill.

1. BRUSCHETTINI'S HOG CHOLERA VACCINE.

Two forms of labels for this product are known to be



used. One reads in part, "Hog Cholera and Swine Plague Vaccine, Bruschetti." The other label is in Italian and French and reads, "Vaccino contro il colera dei suini (vaccin anticolerique des pores) Bruschetti."

In testing this product the directions for use furnished by the distributors were carefully followed. The test was made by injecting healthy pigs with Bruschetti's hog cholera vaccine and, after the lapse of ten days, placing these pigs in pens with hogs affected with hog cholera. All of the treated hogs remained well until exposed to disease in this way. After this exposure they all contracted the disease within the usual time, exhibiting typical symptoms, and all finally died, showing at autopsy typical lesions of hog cholera.

## 2. BRUSCHETTINI'S HOG CHOLERA AND SWINE PLAGUE SERUM.

The labels on this product are in English and German and read "Serum Bruschetti Against Hog Cholera and Swine Fever," and "Bruschetti'sche Serum gegen Schweineseuche und Schweinepest."

This product was also used in the manner directed by the distributors. Healthy pigs were injected with the serum and after twenty-four hours these were exposed to hog cholera by being placed in pens with hogs affected with that disease. All of the hogs treated with Bruschetti's serum contracted hog cholera within the usual period of time after exposure and finally died, exhibiting typical lesions of hog cholera at autopsy.

These tests indicate that neither Bruschetti's Hog Cholera Vaccine nor Bruschetti's Hog Cholera and Swine Plague Serum are reliable agents for protecting hogs from hog cholera.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., December 10, 1908.

## PROGRESS OF THE FOOD LAW.

BY H. W. WILEY, CHIEF DEPARTMENT OF CHEMISTRY, U. S. DEPARTMENT OF AGRICULTURE.

The second year of the activity of the food law is now drawing to a close and it is possible to take a bird's-eye view of what has been accomplished. The most important point which has been developed in the year is the attitude of the courts in the enforcement of the law. In the many cases that have been adjudicated only two have been lost, and in those cases it was evident that the failure to win them was not due to weakness of the case itself, but some unfortunate occurrences in the presentation of the case, and for which no one apparently is particularly to blame. When it is remembered that the United States attorneys, as a rule, are strangers to the act, and even to procedures of the kind which take place under the act, the record is certainly one of remarkable interest. In cases where the court has pronounced a judgment after a trial it has always been very strongly to accentuate the accusations made by the United States. Indeed, the courts have gone farther in charging and in rendering judgment than had been expected.

A second point which is worthy of great consideration is the influence of the act upon other departments. The Secretary of the Treasury and the courts have read the food act into the revenue laws as regards foods and drugs, notably fermented and distilled liquors, and the Secretary of the Interior and the Commissioner of Patents have read it into patent laws, especially into the laws governing the registration of trademarks. The Court of Appeals of the District of Columbia has refused the registration of a trademark because false and misleading statements were made concerning the product in advertisements. The potential significance of this decision is one which should receive consideration. If the same principle in interpretation applies to the use of a label on a food product, and it certainly should so apply, then the label would become misleading if any false or misleading statements were made concerning it in advertising matter or otherwise. The label itself becomes a vehicle of deception and as such would be condemned by the law. The full purpose of the act as interpreted by the courts has not been more succinctly stated by anyone than by Judge Smith McPherson of the United States District Court, Western district of Missouri, Kansas City, who stated in one of his decisions: "This statute is to protect consumers, and not producers. It is a most beneficent and righteous statute, and within the powers of Congress to legislate concerning, and should be enforced."

Of course, many complaints have been made respecting the inefficiency of the law and the lack of application uniformly to all adulterated and misbranded products. It looks un-

reasonable to condemn a food product on account of having one preservative in it, when another one which contains another kind of a preservative goes free. Especially is this true when apparently there is no difference between the effect upon the health of the two preservatives or the one which is not condemned may be even more injurious. To this it may be said that the investigations which are necessary to base intelligent rulings on cannot always be made in a hurry, and it has therefore been deemed wise on the part of the authorities to postpone action in some cases until more elaborate investigations can be made. Again, it must be remembered that the magnitude of the trade in foods and drugs in this country is so enormous that no system of inspection can be rigidly applied to the whole volume of business. The best that can be accomplished is to make inspections of such parts of the trade as promise the most helpful results.

The general results of the active enforcement of the law have been entirely satisfactory and have done much to improve the quality of foods and drugs throughout the country.—New York Journal of Commerce.

## INTERNAL REVENUE.

(T. D. 1435.)

### Fortified Wines.

Suspension of the provision of regulations prohibiting use of fortified wines in the manufacture or preparation of patent or proprietary medicines or compounds.

Treasury Department,

Office of Commissioner of Internal Revenue.

Washington, D. C., November 16, 1908.

To collectors of internal revenue, revenue agents, and others concerned:

That part of regulations 28, revised, dated May 16, 1908, governing the fortification of sweet wines (par. 2, p. 19), reading as follows:

"Under the provisions of T. D. 1329, dated March 25, 1908, which remain in force, the use of fortified wines in the manufacture or preparation of patent or proprietary medicines or compounds is declared to be unauthorized by law," is hereby suspended.

It is deemed proper in connection with the suspension of the said provision of the regulations to say that the above ruling, which has heretofore declared unauthorized the use of fortified wines in the manufacture or preparation of patent or proprietary medicines or compounds, rested upon the opinion of the Commissioner, with the approval of the Secretary, that such a prohibition of the use of fortified wines was authorized primarily by section 6 of the act of June 7, 1906, set out on pages 10 and 11 of regulations 28, revised, dated May 16, 1908, and effective August 1, 1908.

It is fair to state that there has always existed in the minds of the officers of this bureau some measure of doubt as to the extent to which the said law authorized the prohibition as to the use of fortified wines for the purposes set out, inasmuch as no plain language of the law distinctly prohibits such use.

It has been decided, therefore, to suspend the above provision of the regulations, upon the assurance of those interested, and, in fact, upon the evidence, as shown by their statements before the Ways and Means Committee of the House of Representatives, now in session, upon this subject, showing their earnest desire to secure additional legislation definitely expressing the will of Congress upon this point, such legislation to be obtained on or before March 4 next, or as soon thereafter as possible.

JOHN G. CAPERS, *Commissioner.*



## DIRECTORY OF FOOD CONTROL OFFICIALS

### CALIFORNIA.

#### STATE BOARD OF HEALTH.

##### BERKELEY.

(In Charge of Foods and Drugs.)

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N. K. Foster, M. D., Secretary, Sacramento.

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### BOOK REVIEW.

The Mechanical Appliances of the Chemical and Metallurgical Industries. By Oskar Nagel, Ph. D. 292 illustrations. 302 pp. Price \$2.00 net. Published by the author, P. O. Box 385, New York City.

The aim of this book is to clear up ideas regarding the mechanical appliances used in the chemical and metallurgical industries, to expose the real importance of the machines used in the various processes and to get rid of the obscurities prevailing at present in these matters. This treatise will fill a deeply felt want, as there is only one book on the market along similar lines, viz., Parnick's well-known German work.

He has treated with great detail all the prominent types of machines, which are of interest to the industrial chemist and metallurgist.

Holding the view that that man will be the best judge of a group or class of things who is familiar with the highest standard and best type of same, he has described in every chapter the best respective machines on the American market in his judgment and experience. He hopes that in this respect the chapters on transportation of gases, liquids and solids, on grinding, mixing, filtering, concentrating, drying, firing, etc., will give considerable enlightenment to readers interested in these subjects.

The chapters on power have been treated from a more general point of view. As to steam power, he has not gone into detailed description of steam boilers and steam engines, but has mainly dwelt upon the requirements of a perfect steam boiler and the care of boilers. However, regarding superheated steam, turbines, and especially gas power, he has said everything that is of interest to the chemical and metallurgical engineer.

Another object of this book is to impart such information as to make buyers of machinery independent of the "talking points" of the salesman. The buyer, being familiar with the best types of machines, will easily see if any essential details are lacking in a machine offered to him.

This book will prove highly useful to the student, analytical chemist and to the mechanical engineer connected with the chemical industries, as also to manufacturers, superintendents and purchasing agents in general.

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# THE AMERICAN FOOD JOURNAL



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## Synopsis of Food Laws Pending In State Legislatures.

The following tabulated and compiled list of Food Laws pending in the various states will be found to be of great value to our readers and will keep them informed on proposed Food and Sanitary Legislation. The list is as complete as could be made possible up to the date of going to Press (February 15th.) The states are arranged in alphabetical order, the Senate Bills being Recorded first, the House Bills following; wherever it was possible we have shown number of Bill, the introducer and to what committee referred and what action if any the committee has taken. The list will be corrected monthly until all the different Legislatures have adjourned. We will from time to time print in full all Bills passed and approved until all new Food Legislation is recorded in our columns.

### Arkansas .

#### SENATE BILL NO. 30.

This bill requires net weight or measure to be stated on all feed and fuel.

This bill is construed to relate to stock food, although it is not clear. The committee to whom bill was referred reported adversely.

### California.

#### SENATE BILL NO. 47.

By Mr. McCartney, Jan. 8, 1900.

Referred to Committee on Public Health and Quarantine.

Amended Jan. 19, 1909.

Amended in Senate Feb. 2d, 1909.

Is a sanitary bill to compel all places where food or drink is produced or sold to be clean and sanitary, and all persons handling food or drink to be clean and healthy.

#### SENATE BILL NO. 51.

By Senator McCartney, Jan. 8, 1909.

Referred to Committee on Public Health and Quarantine.

Is a bill to amend the 6th section of the food law of California, approved March 11, 1907.

The amendments consist simply in defining misbranding. The definitions conform closely to the National Food Law.

#### SENATE BILL NO. 56.

By Mr. Cutter, Jan. 8, 1909.

Referred to Committee on Judiciary.

A bill to compel commission merchants, etc., to be honest in their dealings with their principals.

#### SENATE BILL NO. 191.

By Mr. Wolfe, Jan. 11, 1909.

Referred to Committee on Labor, Capital and Immigration.

Is a sanitary regulation.

#### SENATE BILL NO. 230.

By Mr. Estudillo, Jan. 12, 1909.

A bill to regulate bakeries.

#### SENATE BILL NO. 527.

By Mr. Martinelli, Jan. 20, 1909.

Referred to Committee on Judiciary.

It is intended to prevent anyone from adding any substance to any package of merchandise to fraudulently increase its weight.

#### SENATE BILL NO. 782.

By Mr. Birdsall, Feb. 1, 1909.

Referred to Committee on Public Health and Quarantine.

Is a bill to prevent the refilling of soda water bottles and other bottles by parties not the owners of said bottles.

#### SENATE BILL NO. 768.

By Mr. Estudillo, Feb. 1, 1909.

Referred to Committee on Public Health and Quarantine.

Relates to the production and sale of certified milk.

#### SENATE BILL NO. 936.

By Mr. McCartney, Feb. 8, 1909.

Referred to Committee on Public Health and Quarantine.



Is an act to amend Section 4 of the present Food Law of California.

The Ninth Definition of adulteration reads:

"Ninth. If it does not conform to the standards of purity therefor as promulgated by the Secretary of the United States Department of Agriculture."

HOUSE BILL NO. 179.

By Mr. Transue, Jan. 11, 1909.

Referred to Committee on Labor and Capital.

Relating to the inspection of bakeries.

HOUSE BILL NO. 412.

By Mr. Collier, Jan. 14, 1909.

Referred to Committee on Labor and Capital.

Relates to bakeries.

HOUSE BILL NO. 528.

By Mr. Rech, Jan. 15, 1909.

Referred to Committee on Revision and Reform Laws.

Is a bill to repeal an act to provide for the marking, branding, or labeling of boxes, barrels, or packages containing fruits, fresh or dried, etc., approved March 20, 1903.

HOUSE BILL NO. 554.

By Mr. Reach.

Is a bill to repeal an existing law regulating the sale of olive oil.

HOUSE BILL NO. 666.

By Mr. Butler, Jan. 21, 1909.

Referred to Committee on Judiciary.

Prohibits any person from adding any foreign or other substance to any bale, box, crate or package of merchandise intended to be sold in package form for the purpose of increasing the weight thereof and defrauding the purchaser.

HOUSE BILL NO. 1020.

By Mr. Transue, Feb. 3, 1909.

Referred to Committee on Live Stock, Dairy and Dairy Products.

Relates to the sale of dairy products.

**Colorado.**

SENATE BILL NO. 85.

By Mr. Twining.

Is a sanitary measure and affects only those maintaining establishments in Colorado. Has been recommended for passage.

SENATE BILL NO. 218.

Is a duplicate of the Food Commissioners' Uniform Food Bill and adopts the Standards incorporated in that bill, and is identical with H. B. 320. Has been recommended for passage.

SENATE BILL NO. 219.

By Senator Croke.

Is a bill to appoint a Food and Drug Commissioner for the State of Colorado, and State Pure Food and Drug Commission. The enforcement of the food and drug laws to be taken away from the State Board of Health and placed in the hands of the Food and Drug Commissioner and the Food and Drug Commission thus created.

I can see nothing wrong with the bill except it provides that the Food and Drug Commissioner shall be learned in Chemistry and Drug, Sanitary and Food Science. In my opinion there is no occasion for this limitation. It seems to me a better qualification would be that the commissioner be a practical food or drug manufacturer, but this limitation in the bill will be a bar to any practical food or drug manufacturer or any intelligent citizen becoming commissioner, unless he is a learned man in Chemistry and Drug, Sanitary and Food Science.

SENATE BILL NO. 402.

Is a certified milk bill.

HOUSE BILL NO. 205.

By the Hon. Mrs. Lafferty.

Relates to the sanitation of food establishments.

HOUSE BILL NO. 308.

By Mr. Daily.

Relates to the fixing of standards for weights and measures.

"All commodities put up in bags, sacks, boxes, barrels, bales, cans, bottles, carton, packages, or otherwise, offered for sale or sold within this state shall have plainly stamped upon the top or side thereof the net quantity of weight or measure of the commodity contained therein. Any person, firm or corporation who shall falsely stamp any weight or measure of commodity other than the true net weight or measure thereof upon the outside of any bag, sack, box, barrel, bale, can, bottle, carton or package, shall be liable to a fine not less than \$50, not more than \$500 for each offense."

HOUSE BILL NO. 320.

Is a bill to establish standards of purity for foods and food products, and is the same as S. B. No. 218.

HOUSE BILL NO. 421.

By Mr. Hayden.

Relates to the sale of oleomargarine and filled cheese.

HOUSE BILL 543.

Is a certified milk bill.

**Connecticut.**

HOUSE BILL NO. 54.

Relates to bake shops and the sanitation thereof.

HOUSE BILL NO. 84.

Relates to sanitation.

HOUSE BILL 93.

Relates to meat and meat food products.

HOUSE BILL NO. 149.

Referred to Committee on Agriculture.

Requires net weight or measure to be stated on all packages containing food.

(BILL NOT NUMBERED.)

Meat and Meat Food Products.

Relates to the inspection of Meat and Meat Food Products.

**Idaho.**

HOUSE BILL NO. 140.

Relates to commercial feeding stuffs.

**Indiana.**

SENATE BILL NO. 302.

By Mr. Cox.

Referred to Committee on Cities and Towns.

Requires all commodities to be sold by weight or measure and reads as follows:

"Be it enacted by the general assembly of the state of Indiana that the common council of every city shall have the power to enact an ordinance to authorize and require the sale of hay, wood, coal, coke, oil, kerosene, gasoline, meat, poultry, fish, butter, oleomargarine, cheese, lard, milk, vegetables, fruit, and all other articles of food or provisions of common use and consumption to be made by weight or measure and to prohibit the sale of any or all of such articles otherwise than by weight or measure, and to regulate the selling and weighing or measuring of any and all such articles."

SENATE BILL NO. 309.

Requires package flour to be branded with the correct weight.

HOUSE BILL NO. 109.

Referred to Committee on Labor.

Is a bill aimed to prevent any one from refilling bottles that do not belong to them, and has been favorably recommended for passage by the committee on labor.

HOUSE BILL NO. 122.

By Mr. Wells.

Referred to Committee on Public Morals.

Is a bill describing what shall be deemed to be intoxicating liquors, as follows:

"That any beverage containing in excess of one-half of one



per cent of alcohol shall be subject to all the laws of the State of Indiana pertaining to the sale of intoxicating liquors."

#### HOUSE BILL NO. 134.

By Mr. Moss.

Referred to Committee on Medicine and Health.

Relates to dairy products.

#### HOUSE BILL NO. 215.

By Mr. Shirley.

Referred to Committee on Medicine and Health.

Is a sanitary regulation affecting establishments in Indiana.

#### HOUSE BILL NO. 308.

By Mr. White.

Referred to Committee on Sanitation.

Is a sanitary regulation and will affect particularly those maintaining establishments for the manufacture of food in Indiana.

#### HOUSE BILL NO. 267.

By Mr. Ratliff.

Referred to Committee on Public Health.

Is a bill attempting to give the State Board of Health power to make standards. It says:

"The State Board of Health can adopt such rules as may be necessary to enforce this act, and shall adopt rules and regulations regulating the minimum standards for food and drugs, defining specific adulterations and declaring the proper methods of collecting and examining drugs and articles of food, and the violation of said rules shall be punished, on conviction, as set forth in section 10 of this act."

The Board of Health can fix any standard they please under this law and punish a violation of the standard by a fine.

#### Iowa.

#### SENATE BILL NO. 173.

By Mr. Clark.

Is a sanitary regulation and will only affect those maintaining food manufacturing establishments in the State of Iowa.

#### Kansas.

#### SENATE BILL NO. 135.

Referred to Committee of the Whole Senate.

Is a bill to amend the existing food law of Kansas as follows:

First. Section 3 of the 266th chapter of the Session Laws of 1907 is amended as to give the State Board of Health the power to establish standards of quality, purity and strength for all foods, drinks and drugs sold in Kansas, and makes it an offense punishable by a fine to violate any such standards when established.

Second. Section 7 of Chap. 266 of the Session Laws of 1907 is amended as follows:

(1) So as to make the National Formulary *official at time of sale*, one of the standards for drugs.

(2) It amends the fourth definition of adulteration so as to read: "If it be mixed, colored, powdered, coated, stained or otherwise treated in a manner whereby damage or inferiority is concealed, or whereby it is made to appear better than it really is."

Third. It amends Section 8 of Chap. 266 of the Session Laws of 1907 as follows:

(1) It exempts physicians' prescriptions, labeled with directions for use, from the provisions requiring a statement of the presence of certain drugs.

(2) It amends Section 8 so as to provide that an article of food shall be deemed to be misbranded if the label "omit to state the presence of any artificial coloring matter contained therein."

This would require all candy and soda water and all articles of food or drink containing artificial color to state that fact on the label.

(3) It subjects all proprietary foods and drinks to the provisions of any rules or regulations the State Board of Health may make.

Fourth. It amends Section 11 of Chapter 266, Session Laws of 1907, by increasing the number of food and drug inspectors.

Fifth. It amends Section 14 of Chap. 266, Session Laws of 1907, so as to make the standards established by the United States Secretary of Agriculture the standards of Kansas only until the State Board of Health of Kansas establishes stand-

ards and publishes them, which time the Board of Health standards shall be the standards of Kansas, and shall be obeyed under penalty of a fine.

The law has other slight immaterial amendments.

#### SENATE BILL NO. 140.

By Mr. Hunter.

Is a bill to regulate the sale of flour and define the different grades.

#### SENATE BILL NO. 283.

By Mr. Standard.

Relates to dairy products and says that Ice Cream shall conform to the National Food Law, but does not fix any standard.

#### SENATE BILL NO. 411.

By Committee on Temperance.

Relates to non-intoxicating liquors containing alcohol

It forbids any beverage containing any alcohol whatever from being sold in the state.

A strict construction of it would prohibit the sale of soda water, because soda water contains at least a trace of alcohol.

#### HOUSE BILL NO. 240.

By Mr. Kiehl.

Is a bill to prohibit the sale of any beverage containing any alcohol whatever.

Under this bill practically all non-alcoholic drinks, such as soda water, ginger ale, etc., would be prohibited, because under a decision of the Iowa Supreme Court the words "any alcohol whatever" would be held to include even a trace, and practically all soft drinks, contain at least a trace of alcohol. About same as S. B. 411.

#### HOUSE BILL NO. 294.

By Committee on Hygiene and Public Health.

It is the same as Kansas Senate Bill No. 135.

#### HOUSE BILL NO. 441.

By Mr. R. J. Hopkins, Jan. 27, 1909.

Referred to Committee on Live Stock.

Relates to concentrated feeding stuffs.

#### HOUSE BILL NO. 437.

By Mr. Folev.

Is a bill to prevent bleaching of flour.

#### HOUSE BILL NO. 489.

Relates to dairy products.

#### Massachusetts.

#### SENATE BILL NO. 92.

Relates to dairy products.

#### HOUSE BILL NO. 548.

Relates to dairy products.

#### HOUSE BILL NO. 743.

Jan. 26, 1909.

Relates to dairy products.

#### HOUSE BILL NO. 744.

Jan. 26, 1909.

Relates to dairy products.

#### HOUSE BILL NO. 745.

Jan. 26, 1909.

Relates to dairy products.

#### HOUSE BILL NO. 747.

Jan. 26, 1909.

Relates to dairy products.

#### HOUSE BILL NO. 807.

Petition of Mr. Fay, Jan. 26, 1909.

Referred to Committee on Mercantile Affairs.

Is a bill to compel any person, firm or corporation operating a soda fountain for the sale of soda water to obtain a license for one year. The license fee to be \$10 for each draught arm or similar device used in drawing soda water.

#### HOUSE BILL NO. 865.

Relates to the sanitation of food producing establishments.



## HOUSE BILL NO. 1036.

By Mr. Bailey.

Establishes a standard for vinegar.

## HOUSE BILL NO. 1098.

By Mr. Oliver, Jan. 28, 1909.

Referred to Committee on Public Health.

Relates to the sale of patent medicines.

## HOUSE BILL NO. 1036.

Jan. 27, 1909.

Relates to vinegar.

## HOUSE BILL NO. 1017.

Jan. 27, 1909.

Relates to dairy products.

## HOUSE BILL NO. 1036.

Jan. 27, 1909.

Relates to the sale of vinegar.

## HOUSE BILL NO. 1213.

Relates to the inspection of vinegar.

## HOUSE BILL NO. 1215.

Jan. 28, 1909.

Relates to the sale of vinegar and will affect corn sugar vinegar.

**Maine.**

## SENATE BILL NO. 39.

Relates to dairy products.

## SENATE BILL NO. 108.

Relates to fertilizers, commercial feeding stuffs and agricultural seeds.

## HOUSE BILL NO. 7.

Relates to dairy products.

## HOUSE BILL NO. 10.

Is a bill relating to dairy products.

## HOUSE BILL NO. 16.

Is a bill relating to dairy products.

## HOUSE BILL.

By Mr. Howes.

Relates to commercial feeding stuffs.

**Minnesota.**

## SENATE BILL NO. 181.

By Mr. Bedford.

Makes it an offense to pack any food in any box, barrel, bottle, or package that has been used before, unless the same is thoroughly fumigated or cleaned prior to the repacking.

## SENATE BILL NO. 231.

By Mr. Anderson.

Relates to the salary, etc., of the Dairy and Food Commissioner and to dairy products.

## SENATE BILL NO. 272.

By Mr. White.

Relates to the sanitation of food producing establishments.

## SENATE BILL NO. 315.

Relates to process butter.

## HOUSE BILL NO. 153.

By Mr. Mork, Jan. 19, 1909.

Referred to Committee on Public Health and Pure Food.

Is a bill relating to agricultural seeds and commercial feeding stuffs.

## HOUSE BILL NO. 404.

Relates to the sanitation of food producing establishments.

**Missouri.**

## SENATE BILL NO. 146.

By Mr. Krone.

Is an amendment to the food law of Missouri.

## SENATE BILL NO. 147.

By Mr. Krone.

Establishes standards of purity and strength for food products.

## HOUSE BILL NO. 367.

By Mr. Droste.

Relates to amendments to the State Dairy Law.

## HOUSE BILL NO. 368.

By Mr. Droste.

Amends the food law of Missouri.

## HOUSE BILL NO. 369.

By Mr. Droste.

Establishes standards of strength and purity for food products.

**Montana.**

## HOUSE BILL NO. 285.

By Mr. Hutchinson.

Is a general food, drink and drug law.

The 8th definition of adulteration reads as follows:

"If it contains any added antiseptic or preservative substances except common salt, salt petre, cane sugar, vinegar, spices or smoked food, the natural process of the smoking process or other preservatives authorized by the State Board of Health, and no preservatives of any kind shall be used in quantities greater than the rules and regulations of the State Board of Health shall designate."

Section 5. Requires that foods shall be sold by weights and measures.

Section 10. Gives the State Board of Health power to fix standards and makes it a fine to violate any such standards so fixed.

**Nebraska.**

## SENATE BILL NO. 140.

By Mr. Randall.

Is a Sanitation Bill.

## SENATE BILL NO. 163.

By Mr. Buck, Jan. 27, 1909.

Referred to Committee on Miscellaneous Subjects.

Relates to vinegar and provides for inspection. This bill has passed the Senate.

## SENATE BILL NO. 259.

By Mr. Miller (by request), Feb. 8, 1909.

Referred to Committee on Judiciary.

Amends section 8 of chapter 33 of the Compiled Laws of Nebraska of 1907.

The said section 8 is the section of the present food law relating to misbranding.

It requires every food product to be labeled with a statement of the city and state, territory, place, or country in which said article is manufactured or produced. This is clearly unconstitutional.

It requires a statement of the proportion of alcohol in any article of food or beverage to be stated on the label.

It requires net contents, weight or measure, to be stated on the label of all goods in package form, other than canned goods and packages put up by the retailer.

It requires the true quantity to be stated on the container of all liquids other than medicine.

It makes it illegal to put any presents, premiums, or prizes in packages.

It does not recognize that an article sold under a distinctive name should be exempt from the misbranding feature of the law, unless said article contains a statement of the place where it has been manufactured or produced, and the ingredients of the same are stated on the label. This would affect private formulas and proprietary preparations.

## SENATE BILL NO. 262.

By Mr. Banning, Feb. 8, 1909.

Referred to Committee on Agriculture.

Relates to dairy products.

## HOUSE BILL NO. 188.

By Mr. Leigh, Jan. 26, 1909.

Referred to Committee on Miscellaneous Subjects.

Is a bill to regulate the sale of vinegar and makes standards for same.



## HOUSE BILL NO. 196.

By Mr. Miller, Jan. 28, 1909.

Referred to Committee on Agriculture.

Relates to the sale of agricultural seeds and commercial feeding stuffs, etc.

## HOUSE BILL NO. 222.

By Mr. Kraus, Jan. 29, 1909.

Referred to Committee on Judiciary.

Is a general food, drug and drink law.

It is intended to repeal the present food law of Nebraska.

## HOUSE BILL NO. 303.

By Mr. Howman, Feb. 5, 1909.

Referred to Committee on Medical Societies.

It is a bill to amend the present food law of Nebraska.

Section 9820 provides that the report of the department shall be printed and published and that the deputies shall furnish to the clerk of each county of the state certified lists of all adulterated foods, food products, liquors, beverages, remedies and medicines, as found by any analysis, showing the name and brand of the article, the manufacturer and the name of the injurious adulterant.

Section 9821 Proposes to give the deputies power to determine whether an article of food is adulterated or misbranded within the meaning of the act and on their own finding of facts and their own interpretation of the law.

## HOUSE BILL NO. 310.

By Mr. Killen, Feb. 6, 1909.

Referred to Committee on Medical Societies.

It is identical with Senate Bill No. 259.

It requires every food product to be labeled with a statement of the city, and state, territory, place or country in which said article is manufactured or produced.

It requires a statement of the proportion of alcohol in any article of food or beverage to be stated on the label.

It requires net contents, weight or measure to be stated on the label, of all goods in package form, other than canned goods and packages put up by the retailer.

It requires the true quantity to be stated on the container of all liquids other than medicine.

It makes it illegal to put any presents, premiums or prizes in packages.

Sixth: It does not recognize that an article sold under a distinctive name should be exempt from the misbranding features of the law, unless said article contains a statement of the place where it has been manufactured or produced, and the ingredients of the same are stated on the label.

**Nevada.**

## HOUSE BILL NO. 48.

By Mr. Bulmer, Jan. 1, 1909.

Referred to Committee on Trade and Manufacture. Was amended by the Committee and favorably reported.

Relates to the sale of food, drinks and drugs, for man or other animal.

Section 6. Authorizes the Nevada Agricultural Experiment Station to fix standards.

Section 6. Provides that the results of all analyses and the names of the persons from whom obtained, shall be published in bulletins of the Station.

**New Hampshire.**

## HOUSE BILL NO. 107.

By Mr. Osgood.

Referred to Committee on Public Health.

Relates to dairy products.

## HOUSE BILL NO. 109.

By Mr. H. E. Dunnington.

Referred to Committee on Public Health.

Relates to dairy products.

## HOUSE BILL NO. 110.

By Mr. Dunnington.

Referred to Committee on Public Health.

Is an act to amend the present Ice Cream law of New Hampshire so as to permit of the use of "some neutral flavoring" and "not more than one-tenth of one per cent of filler."

## HOUSE BILL NO. 236.

By Mr. Cross.

Referred to Committee on Public Health.

Is a bill to establish standards for foods for the state of New Hampshire.

It fixes a standard for the following items:

Lard, Milk, Milk Fat, Butter, Cream, Cheese, Flour, Gluten Flour, Corn Meal, Oatmeal, Rye Flour, Buckwheat Flour, Preserves and Jam, Jelly.

Prohibits Coal Tar Color and Saccharin in Jellies, Jams and Pickles.

Prohibits coal tar color and saccharin in Pickles, Sweet Pickles and Catsup.

Establishes standards for:

Sugar Syrup, Maple Syrup, Honey, Allspice, Pimento, Cayenne Pepper, Paprika, Ground Cinnamon, Cloves, Ginger, Lined Ginger, Mace, Ground Mustard, Prepared Mustard, French Mustard, Nutmeg, Pepper, Black Pepper, Flavoring Extracts, White Pepper, Almond Extract, Anise Extract, Celery Seed Extract, Cassia Extract, Cinnamon Extract, Clove Extract, Ginger Extract, Lemon Extract, Oil of Lemon, Nutmeg Extract, Peppermint Extract, Rose Extract, Savory Extract, Spearmint Extract, Sweet Basil Extract, Sweet Marjoram Extract, Thyme Extract, Tonka Extract, Vanilla Extract, Wintergreen Extract, Olive Oil, Cottonseed Oil, Tea, Chocolate, Coffee, Sweet Chocolate, Cocoa, Sweet Cocoa, Apple Juice, Sweet Cider, Wine, Dry Wine, Fortified Wine, Sweet Wine, Sparkling Wine, Modified Wine, Malt Liquor, Beer, Lager Beer, Malt Beer, Ale, Porter, Distilled Spirit, Alcohol, New Whisky, Whisky, Rye Whisky, Bourbon Whisky, Corn Whisky, Blended Whisky, Scotch Whisky, Irish Whisky, New Rum, Rum, New Brandy, Brandy, Cognac, Vinegar, Cider Vinegar, Wine Vinegar, Malt Vinegar, Sugar Vinegar, Glucose Vinegar, Spirit Vinegar, Table Salt, Celery Salt, Baking Powder, Sausage, Mincemeat.

## HOUSE BILL NO. 237.

By Mr. Cross.

Referred to Committee on Public Health.

Relates to the proper sanitation of places where food or food products are manufactured. It affects only places in New Hampshire.

## HOUSE BILL NO. 392.

By Mr. Keenan.

Referred to Committee on Judiciary.

Is a bill to prevent the refilling of bottles without the consent of the owner of such bottles.

## HOUSE BILL NO. 521.

Gives an inspector power to examine food products for the purpose of detecting adulteration.

**New Jersey.**

## SENATE BILL NO. 39.

By Mr. Freylinghuysen, Jan. 25, 1909.

Referred to Committee on Public Health.

Relates to dairy products.

## SENATE BILL NO. 47.

By Mr. Brown, Jan. 25, 1909.

Referred to Committee on Public Health.

Relates to dairy products.

**New York.**

## SENATE BILL NO. 1.

By Mr. Davis, Jan. 13, 1909.

Referred to Committee on Judiciary.

Is an act to consolidate the Agricultural Laws of New York.

## SENATE BILL NO. 81.

By Mr. Cobb, Jan. 8, 1909.

Referred to Committee on Codes.

Is a bill to amend sections 580 and 581 of the penal code of New York as follows:

"580. Using false weights, measures, etc.—A person who, by himself or by his servant or agent, or as the servant or agent of another, uses a weight, measure, or other apparatus that is false or that has not been sealed by a sealer of weights and measures within one year, for determining the quantity of any commodity, or articles of merchandise, or sells or exposes for sale less than the quantity he represents, or



sells or offers for sale any commodity or article of merchandise in a manner contrary to law, is guilty of a misdemeanor.

"581. Keeping false weights—A person retains in his possession any weight, measure, or other apparatus that is false, or unsealed, unless it appears beyond a reasonable doubt that it was so retained without intent to use it, or permit it to be used in violation of the last section, is guilty of a misdemeanor."

#### SENATE BILL NO. 82.

By Mr. Cobb, Jan. 6, 1909.

Referred to the Committee on Judiciary.

Is an act to amend the domestic commerce law of New York (Chap. 376, Laws of 1896) so as to read as follows:

"15-b. Any commodity of consumption for man or beast put up or sold or intended to be sold with a container shall have the net contents in terms of weight, numerical count, or measure plainly marked, branded or otherwise affixed on the outside of the container, in characters at least one-eighth of an inch in height.

"This act shall take effect on October one, nineteen hundred and nine."

This measure would require every manufacturer doing business in New York State to weigh, measure or count all his products.

All liquids would have to be measured and the measure stated on the container; all articles sold by weight would have to be weighed into the containers and the net weight stated on the container; all articles sold by count would have to be counted and the exact count put on each package.

No allowance is made for shrinkage.

The variation in bottles is not considered.

The fact that packages may average correctly is not considered.

#### SENATE BILL NO. 83.

By Mr. Cobb, Jan. 6, 1909.

Referred to Committee on Judiciary.

Is a bill to require all ice, coal, coke, butter, lard, meats and meat products (except offal, head and plucks) poultry, or wild game to be sold by standard weight.

And all fruit and farm produce to be sold by standard weight or numerical count.

And all milk or cream that shall be sold in bottles to be sold only in bottles of legalized standard liquid measure.

And all other dry commodities for consumption to be sold by standard weight, standard dry measure, or numerical count.

And all other liquid commodities for consumption to be sold only by standard weight or standard liquid measure.

#### HOUSE BILL NO. 31.

By Mr. Phillips, Jan. 13, 1909.

Referred to Committee on Judiciary.

Is a bill to consolidate the liquor traffic laws of New York.

#### HOUSE BILL NO. 42.

By Mr. Phillips, Jan. 13, 1909.

Referred to Committee on Judiciary.

Is a bill to consolidate the laws relating to the public health.

Does not attempt to create any new law, but simply consolidates laws already existing.

#### HOUSE BILL NO. 96.

By Mr. Filley.

Referred to Committee on Codes.

Bill relates to weights and measures and is same as Senate Bill No. 81.

#### HOUSE BILL NO. 138.

By Mr. Filley, Jan. 14, 1909.

Referred to Committee on General Laws.

This bill is a copy of Senate Bill No. 83.

Requires net weight, measure or count to be stated.

#### HOUSE BILL NO. 139.

By Mr. Filley, Jan. 14, 1909.

Referred to Committee on General Laws.

Requires all commodities to be sold by weight, measure or count, and is same as Senate Bill No. 82.

#### HOUSE BILL NO. 457.

By Mr. Cuvillier.

Referred to Committee on Public Health.

Is a general food, drink and drug law.

It follows the National Food Law closely.

Section 10 of this bill, which is the same as Section 10 of the National Food Law, provides for the seizure of goods.

#### North Carolina.

#### HOUSE BILL NO. 164.

By Mr. Perry.

Referred to Committee on Education.

Provides for a tax of fifty dollars a year on all manufacturers of soft drinks containing caffeine.

It imposes a tax of five dollars a year on all retail dispensers of soft drinks containing caffeine.

#### HOUSE BILL NO. 281.

By Mr. Currie, Jan. 22, 1909.

Referred to Committee on Agriculture. Reported favorably Jan. 27.

Relates to stock food and stock medicines.

#### North Dakota.

#### SENATE BILL NO. 67.

By Mr. Kennedy.

Referred to Committee on Judiciary.

"Is a bill for an act providing for the sanitation of places where food is prepared, manufactured, stored or distributed, et cetera. The Bill is identical with every material feature of Senate Bill No. 47 in the California Legislature. The North Dakota Bill puts the enforcement of the act in the hands of the 'chief inspector or deputy inspector or any agent of the food commissioner of the experiment station at Fargo.' It provides that any person who violates any of the provisions of the act 'or who refuses to comply with any lawful order or requirement of the food commissioner made in writing' shall be guilty of a misdemeanor and punished for the first offense by a fine of not less than \$10 nor more than \$50; for the second offense by a fine of not less than \$50 nor more than \$100, and for the third and subsequent offenses, by a fine of \$200 and imprisonment in the county jail for not less than thirty nor more than ninety days; and each day after the expiration of the time limit for abating unsanitary conditions and complete improvements to abate such conditions as ordered by the food commissioner at the experiment station at Fargo shall constitute a distinct and separate offense."

#### HOUSE BILL NO. 216.

By Mr. Garden.

Referred to Committee on Temperance.

Relates to the inspection of fermented, spirituous and malt liquors, wines, ciders and all beverages manufactured, sold or offered for sale as a substitute for intoxicating liquors.

Section 1. Creates the office of state inspector of liquors.

Section 2. Fixes his salary at \$2,000 and the salaries of his deputies at \$1,200.

Section 3. Provides that the inspector and his deputies give bond. The inspector \$10,000 and each deputy \$5,000.

Section 4. Provides that the state inspector inspect all fermented, spirituous and malt liquors, wines, ciders and beverages under whatever name or description, manufactured, sold or offered for sale to be used as beverages or a substitute for intoxicating liquors and all bitters, tonics or other alcoholic preparation where license for the sale of the same is required under the rules of the Revenue Department of the United States, whether manufactured in North Dakota or not.

Section 5. Provides that every place or firm manufacturing or keeping a place for the manufacture or bottling of malt liquors within North Dakota, shall cause same to be inspected by the inspector of liquors.

Section 6 fixes the standards as follows:

"Whiskey is the product derived by distillation from the properly fermented mash of malted cereals, or cereals the starch of which has been hydrolized by malt, and which distillate has been stored in wood under normal conditions for not less than four years, and it shall be labeled true to name.

"Rum is the spirits made by the proper distillation from the clean, sound juice of the sugar cane, the clean, sound massecuite made therefrom, clean, sound massecuite, or any sound, clean intermediate product save sugar, and which has



been stored for not less than four years in wood under normal conditions for aging.

"Brandy is the properly distilled spirit made from wine and stored in wood for not less than four years, and kept under normal conditions during the process of aging.

"Malt liquor or kalt is a beverage made by the alcoholic fermentation of an infusion in potable water for barley malt and hops, with or without unmalted grains, decorticated and degerminated grains.

"Beer is a malt liquor produced by bottom fermentation and lager beer is beer stored in casks for a period of at least three months.

"Malted beer is beer made of an infusion in potable water of barley malt and hops.

"Ale is a malted liquor produced by top fermentation.

"Porter and stout are varieties of malt liquors made in part from highly roasted malt.

"Wine is the product made by the normal alcoholic fermentation of the juice of sound, ripe grapes, and the usual cellar treatment, fortified or unfortified when properly labeled to show its true character.

"Cider is the product made by the normal alcoholic fermentation of apple juice and the usual cellar treatment without fermentation."

Section 7. Provides that any person receiving for sale any liquor shall before selling same notify the inspector and furnish a certificate as to the composition of said liquor and that any material other than prescribed in Section 6 was used in the manufacture of the same, and thereupon the inspector shall inspect said liquors.

Section 8. Makes it necessary before shipping liquors into North Dakota to submit to the Chemist of the North Dakota Experiment (Agricultural) Station at Fargo, who shall analyze the same, and if he finds that the same conforms to the standard of Section 6 he shall issue a certificate to such effect, for which analysis he shall receive a fee of \$5.00.

Section 9. Provides for the printing of certificates.

Section 10. Makes it unlawful for any person to use such certificate unless they have a right to.

Section 11. Makes it necessary for any person before shipping goods into North Dakota to apply to the state inspector of liquors for a certificate showing that the liquors conform to the standard prescribed by this Act and that the same have been analyzed as provided by this act, thereupon the spector shall issue labels or certificates and shall receive a fee of 25 cts. for each label so furnished, and upon receipt of said labels the shipper may attach the same to each package, etc.

Section 12. Provides that the inspector shall receive for inspecting each package, bottle, case, keg, barrel, or other container of liquors, the sum of 25 cts., to be paid into the state treasury.

Section 13. Provides for the payment of expenses of the inspector, etc.

Section 14. Provides a penalty of \$1,000, or imprisonment in the county jail not exceeding one year.

Section 15. Makes it the duty of the inspector to inspect liquors and to place upon each package his label certifying that the same has been inspected and is made from wholesome ingredients, for which inspection he shall charge 25 cents and for each label 25 cents.

Section 16. Requires the inspector to keep a record of expenses, etc. Requires all liquors shipped into the state to be inspected on entry to the state. The following points are indicated as points of entry: Fairmount, Wahpeton, Fargo, Grand Forks, Ardoch, Pembina, Hankinson, Oakes, Ellendale, Buford and such other places as said inspector may deem necessary. For making inspection at any other points the inspector shall receive from the party for whom the inspection is made, 5 cents per mile for each mile he actually traveled in addition to the fees prescribed.

Section 17. Requires railroad, express and transportation companies to furnish the inspector with duplicate bills of lading and receipts showing the name of consignor and consignee, date, place received, destination and quantity of liquor received by them for shipment to any point in North Dakota.

Section 18. Gives the inspector and his deputies power to enter places of business, factories, cars, etc., to inspect liquors.

Section 19. Makes a certificate of the Chemist of the North Dakota Experiment (Agricultural) Station prima facie evidence of the facts stated therein.

Section 20. Appropriates \$20,000 for the enforcement of the act.

### Ohio.

#### HOUSE BILL NO. 15.

By Mr. Reynolds.

Referred to Committee on Dairy and Food.

Is a sanitary regulation measure.

#### HOUSE BILL NO. 16.

By Mr. Phillips.

Referred to Committee on Dairy and Food.

Relates to dairy products.

#### HOUSE BILL NO. 36.

By Mr. Wisener.

Relates to dairy products.

#### HOUSE BILL NO. 109.

By Mr. Edwards.

Relates to dairy products.

#### HOUSE BILL NO. 110.

By Mr. Edwards.

Relates to the sale of process butter.

#### HOUSE BILL NO. 111.

By Mr. Edwards.

Relates to the sale of dairy products.

#### HOUSE BILL NO. 112.

By Mr. Edwards.

Relates to the sale of dairy products.

#### HOUSE BILL NO. 113.

By Mr. Edwards.

Is an Act to confer jurisdiction on Justices of the Peace, Mayors and Police Judges in the enforcement of one of the Food Laws of Ohio.

#### HOUSE BILL NO. 114.

By Mr. Edwards.

Is a bill to confer jurisdiction on Justices of the Peace, Mayors and Police Judges in the enforcement of the Food and Drug Laws of Ohio.

### Oklahoma.

#### SENATE BILL BY MR. STAFFORD.

Requires weights or measures to be stated on all packages.

#### HOUSE BILL NO. 325.

By Mr. Japp.

Prohibits the fraudulent substitution of any inferior article in packages of food or merchandise for the purpose of fraudulently increasing the weight thereof and defrauding the customer by such means in the weight of the commodity.

#### HOUSE BILL NO. 404.

It is a general food, drink and drug bill.

First: Section 4 provides that "the standard of purity of foods shall be that promulgated by the Secretary of the Department of Agriculture of the United States." This should be opposed, because those standards have been found to be not workable or practical or practicable standards and they are entirely too inflexible.

Second: Paragraph 12 provides that any hotel, tavern, restaurant, or boarding house serving any food defined as compound, imitation, or blend (except coffee), renovated butter, imitation cheese, adulterated milk, or adulterated lard, shall print a bill of fare giving a list of the foods so served and giving the brands or labels upon the original package and show the constituent parts of such food articles.

Third: Section 16 makes it unlawful to sell any article of food to which has been added, among other things, benzoate of soda, salicylic acid, saccharine, or alcohol.

Fourth. Section 33 provides: "Before any manufacturer or proprietor of any patent, proprietary, or secret preparation, or product of any article of food, drug, or medicine, or any substance used in the preparation of food, drug, or medicine, or any substance used in preparation, shall sell or expose or offer for sale or exchange within this state any such patent, proprietary, or secret preparation or product, he shall first file with the said Commissioner of Health a formula showing the constituent ingredients of each and every patent, proprietary, or secret preparation, product, or article, and shall pay a filing fee therefor in a sum to be fixed by said commissioner not to exceed thirty dollars for



each formula so filed; and if shall appear to said commissioner from such formulas that such preparation, product, or article is not in violation of this act, he shall issue a permit for the sale of such article, provided that such formulas shall not be subject to examination by the public, except where the same may be material evidence in a court of competent jurisdiction."

This bill has been recommended for passage.

#### Oregon.

##### SENATE BILL NO. 112.

Relates to Concentrated Stock Food.

##### SENATE BILL NO. 126.

Is intended to prevent the sale and manufacture of bleached and misbranded cereals.

##### HOUSE BILL NO. 195.

By Mr. Hughes, Jan. 27, 1909.

Relates to baking powder and provides that all baking powder shall have printed on the label, in plain English, the name of all of the ingredients composing said baking powder.

##### HOUSE BILL NO. 285.

By Mr. McDonald, Feb. 4, 1909.

Is a general food law.

The third paragraph of Section 2 requires the true weight or net measure and the true class or grade of the product to be stated on the package, bottle or container in type no smaller than 8-point brevier caps.

Section 3 permits the use of benzoate of soda only in cider, tomato catsup, fruit jams, jellies or preserves. But it contains a provision which would permit the food commissioner to prohibit benzoate of soda in any of the foregoing articles at any time he might determine (whether rightly or not) that they could be marketed without the use of Benzoate of Soda.

Section 9 permits the food commissioner to seize articles of food or drink and hold them until a court determines whether they are legal or not, in case any person is arrested in connection with the seizure. But if no person is arrested it permits the commissioner to hold the goods until he analyzes them, and if he finds from his analysis that they are unwholesome or unfit for food, or misbranded, the commissioner shall destroy the same. It makes the commissioner the sole judge of whether such food or drink is unwholesome or misbranded. This section also authorizes the commissioner to seize goods and determine himself whether they are adulterated or misbranded, and to mark them as he thinks they should be marked and return them to the person from whom they were taken. On February 15 Committee postponed action indefinitely.

#### Pennsylvania.

##### SENATE BILL NO. 3.

By Mr. Gerberich, Jan. 25, 1909.

Referred to Committee on Public Health and Sanitation.

Is a bill relating to "food" only, and intended to prevent the adulteration or misbranding of same.

It was drawn up by the Food Commissioner.

Section 1. Makes it an offense to sell food adulterated or misbranded within the meaning of the Act.

Section 2. Defines "food" and Person.

Section 3. This section defines "adulteration" by four paragraphs.

The fourth paragraph reads as follows:

"If it be mixed, colored or changed in color, coated, polished, powdered, stained or bleached whereby damage or inferiority is concealed, or so that it may deceive or mislead the purchaser, or if by any means it is made to appear better or of greater value than it is, or if it is colored or flavored in imitation of the genuine color or flavor of another substance."

Fifth. This paragraph prohibits the use of added boric acid or borates, salicylic acid or salicylates, formaldehyde, hydrofluoric acid or fluorides, fluoborates, fluosilicates, or other fluorine compounds, dulcin, glucin, saccharin, caffeine, betanaphthol, abrostol, asaprol, oxides of nitrogen, nitrous acid, or nitrites, pyroligneous acid, or other added ingredients deleterious to health.

Sixth. This paragraph contains a proviso that articles not adulterated under paragraphs 4, 5 and 6, and not misbranded under the Act, and containing no filler or ingredients which

debases without adding food value, may be sold if branded or tagged so as to show the character and composition thereof.

Section 4 defines misbranding in paragraphs.

First. This paragraph absolutely prohibits the sale of an imitation article, and nowhere else in the Act is this modified in any way.

Second. This paragraph says that an article is misbranded "if it be labeled or branded so that it may deceive or mislead, etc."

Section 5. This provides that when a sample is taken and found to be misbranded or adulterated the dealer shall be notified before prosecution, but not the manufacturer.

Section 6. This section defines what shall be deemed to be the "same article."

##### SENATE BILL NO. 4.

By Mr. Gerberich.

Relates to dairy products.

##### SENATE BILL NO. 5.

By Mr. Gerberich.

Prohibits the sale, or use in food or as food of eggs that are unfit for food, and provides that they shall be deemed unfit for food when they are partly or wholly decayed or decomposed.

##### SENATE BILL NO. 6.

By Mr. Gerberich, Jan. 25, 1909.

Relates to the sale of non-alcoholic drinks. It has been agreed to by the Bottlers of Pennsylvania.

##### SENATE BILL NO. 7.

By Mr. Gerberich.

Relates to cold storage poultry, game and eggs.

##### SENATE BILL NO. 8.

Relates to the sale of ice cream.

It fixes the standard for ice cream at 8 per cent of butter fat and 6 per cent in case nuts or fruit are used.

It permits of the use of eggs, gelatine, or gum tragacanth or other vegetable gums.

##### SENATE BILL NO. 10.

Relates to the sale of lard.

##### SENATE BILL NO. 18.

Relates to weights and measures.

##### HOUSE BILL NO. 8.

Relates to the sale of Ice Cream.

##### HOUSE BILL NO. 452.

By Mr. Malone.

Feb. 3, 1909.

Referred to Committee on Labor and Industry.

Requires that the year of canning be stamped or blown on the bottom of every can containing goods for human consumption.

##### HOUSE BILL NO. 438.

By Mr. W. J. Barton, of Philadelphia, Feb. 3, 1909.

Referred to Committee on Judiciary Special.

Is a bill to prevent the giving of short weight or measure in selling any articles of commerce.

It does not require that the net weight or measure be stated, but simply requires that the consumer get the weight or measure to which he is entitled or which is represented to him as the weight or measure he is getting.

One feature of the bill is that the weight or measure is deemed to be the net weight or measure and shall not include the weight of the container. That is when a box is marked one pound, under the law, it must contain one pound of food, not including the weight of the box.

#### South Carolina.

##### SENATE BILL NO. 240.

Jan. 28, 1909.

Referred to Committee on Commerce and Manufacture.

Is a bill aimed to prevent the refilling of bottles used in the sale of soda water, mineral water, beers and other drinks.

The bill provides that it shall be required for any corporation engaged in the manufacture, bottling or selling of soda waters, beers, milk, creams, etc., to file with the clerk of court of county in which business is done, also with the secretary of



state, a description of the name, marks or devices so used in this line of business and such descriptions shall be printed in the newspapers of the county once each week for three weeks.

It shall be unlawful, under this act, to fill with any other article than the one which was originally intended should go in the bottles, kegs, etc., any articles of a nature described above. The purport of the bill is to protect the firms whose mark appears originally upon the containers.

#### South Dakota.

##### SENATE BILL NO. 33.

By Mr. Seward.

Is a bill to regulate the sale of ice cream.

It permits the use of harmless colors, eggs and gelatine or vegetable gum.

It fixes a standard for "ice cream" at 8 per cent of butter fat, and for "nut" ice cream, or "fruit" ice cream, at 6 per cent of butter fat.

##### SENATE BILL NO. 66.

By Mr. Williams.

Is a general food drug and drink law, and, aside from a few dairy sections, is what is known as the "Food Commissioners' Uniform Food Law."

Section 1 creates the office of dairy and food commissioner, and fixes his salary.

Section 2 provides for the appointment of assistants, inspectors and analyst.

Section 3 prescribes duty of commissioner, and gives him power to make rules and regulations to carry out the provisions of the act.

Section 4 prescribes power of commissioner and assistants.

Section 5 prescribes duty of analyst.

Section 6. This section gives the commissioner and his assistants power to take samples, and provides that the sworn statement of the chemist shall be admitted in evidence in all productions.

Section 7 provides for payment of expenses of commissioner and assistants, etc.

Section 8 describes offense and fixes penalty.

Section 9 defines "food."

Section 10, paragraphs 1, 2 and 3, defines adulteration.

Paragraph 4 provides that an article shall be deemed to be adulterated if it is "mixed, colored or changed in color, coated, polished, powdered, stained or bleached whereby damage or inferiority is concealed, or so that it may deceive or mislead the purchaser or consumer."

Paragraph 4 also provides that a product shall be deemed to be adulterated "if it is colored or flavored in imitation of the genuine color of another substance."

Paragraph 5 prohibits the use of all chemical preservatives except common salt, sugar, wine vinegar, cider vinegar, malt vinegar, sugar vinegar, distilled vinegar, spices and their essential oils, alcohol (except in confectionery), edible oils, edible fats, wood smoke and refrigeration.

Prohibits the use of any artificial preservative except the ones named above.

Prohibits the use of all coal tar colors.

Prohibits the bleaching of flour.

Prohibits the use of coal tar color in confectionery.

Paragraph 6 expressly provides for the labeling and sale of adulterated articles of food, but makes no provision for the sale of imitation product or products in which color or flavors have been used; attempts to regulate the size of type that shall be used.

Section 11 defines misbranding.

Paragraph 1 prohibits the sale of imitation products, no proviso being contained anywhere else in the law under which they may be sold when properly labeled.

Paragraph 2—Same as national food law.

Paragraph 3—Same as national food law.

Paragraph 4—This paragraph requires every mixture or compound to be labeled with the name and percentage of every ingredient contained therein.

Section 12 defines insufficient labeling.

Paragraph 1—Requires the grade or class of the product to be given and requires the net weight or volume of the contents to be given on the capacity or trade size of the container.

Section 13 requires all retail grocers to label every bottle, jug, pail, or any other package sent out by delivery to customers, or brought in by farmers to be filled, or brought in by customers to be filled, and regardless of the fact of the ownership of the jug or other vessel, and same would have to be labeled exactly like the barrel or other container from which such jug, can or other vessel is filled.

Section 14 relates to baking powder.

Section 15. This section adopts the standards promulgated by the U. S. Secretary of Agriculture, and incorporates them in their entirety into the law of the State of South Dakota, and are made the law of South Dakota, there is no provision made for the sale of any article that does not comply with those standards.

Section 16 relates to oleomargarine.

Section 17 requires the percentage of gelatin, starch, eggs or other ingredients used as a part of ice cream to be stated on labels, and classifies eggs as stiffening in ice cream.

Section 18 prohibits the sale of any package containing a gift, premium or prize.

Section 19 term person defined.

Section 20 relates to dairy products.

Section 21 relates to dairy products.

Section 22 relates to dairy products.

Section 23 relates to dairy products.

Section 24 relates to dairy products.

Section 25 relates to dairy products.

Section 26 relates to dairy products.

Section 27 relates to unsanitary place of business.

Section 28 relates to prosecutions.

Section 29 relates to disposition of fees.

Section 30 repeals the present food law of South Dakota.

This is a copy of the Supposed Model Food Law prepared by the committee of the Association of State and National Food Departments. It was introduced at the request of Food Commissioner Wheaton and Professor J. H. Shepard, the state chemist of South Dakota.

##### SENATE BILL NO. 143.

Is about like the National Food Law; contains no standards; places the enforcement of the Drug clause in a state board of pharmacy.

##### HOUSE BILL NO. 189.

By Mr. Englesby, Feb. 5, 1909.

Is a general food, drug and drink law. It is a copy of the National Food Law.

##### HOUSE BILL NO. 209.

By Mr. Ribstein, Feb. 9, 1909.

Is a sanitary measure. It will not affect anyone except those doing business in South Dakota.

Section 10 of the bill provides that "Any person, persons, firm or corporation who violates any provision of this act or who refuses to comply with any lawful orders or requirements of the state food and dairy commissioner duly made in writing as provided in section nine (9) of this act, shall be guilty of a misdemeanor and on conviction shall be punished for the first offense by a fine of not less than ten nor more than fifty dollars; for the second offense by a fine of not less than fifty nor more than one hundred dollars; and for the third and each and every subsequent offense by a fine of two hundred dollars and imprisonment in the county jail for not less than thirty nor more than ninety days, and each day after the expiration of the time limit for abating insanitary conditions and completing improvements to abate such conditions as ordered by the state food and dairy commissioner shall constitute a distinct and separate offense."

##### HOUSE BILL NO. 211.

By Mr. Brynjulson.

Relates to dairy products.

#### Tennessee.

##### SENATE BILL NO. 211.

By Mr. Mansfield.

Is a general revenue bill. It declares the selling of soft drinks to be a privilege and fixes the taxation for conducting the same as follows: In towns of twenty-five thousand population or over—\$75; in towns over five thousand and under twenty-five thousand—\$40; in towns of over two thousand and under five thousand—\$15; in all other places outside of cities as above—\$5. This tax is in lieu of all other taxes except ad valorem. The bill has been referred to the Finance Committee.

##### SENATE BILL NO. 294.

By Mr. Howse.

Referred to Committee on Judiciary.

Is an act to amend Chapter 297 of the Acts of 1907, as follows:

To Section 1 the following words are added:

"That before the grand juries of the several counties of the



state shall take cognizance of or investigate any violations of this act, the person, firm or corporation charged with the violation of this act shall be cited before the chief pure food and drug inspector to show cause why he or they should not be held liable or prosecuted for the violation of said act."

To Section 2 is added, after the words, "United States Pharmacopoeia," the words "and National Formulary."

Section 7 is amended so as to provide for the appointment of two assistant pure food and drug inspectors.

Section 9 is amended so as to create a commission composed of the food chief inspector, president of State Board of Health and president of State Board of Pharmacy. Which commission shall create rules and regulations for the enforcement of the act.

#### HOUSE BILL NO. 377.

By Mr. Wilkerson.

Referred to Committee on Sanitation.

Is a duplicate of S. B. 294.

#### Texas.

#### SENATE BILL NO. 44.

By Mr. Hayter.

Has been recommended for passage.

This bill amends the present food law of Texas.

Relates to food, drink, flavoring extracts, confectionery and condiments used by man. And to all drugs used by men or for animals.

Section 1 and 2 follows National Food Law.

Section 3 and 4 follows National Food Law.

Section 5 makes it unlawful to sell any cider not produced wholly from the juice of the fruit.

Section 6 reads as follows:

"It shall be unlawful for any person to manufacture, sell, offer or expose for sale, or exchange any article of food to which has been added formaldehyde, boric acid, or borates, benzoic acid or benzoates, sulphurous acid or sulphites, salicylic acid or salicylates, abradol, beta-nepthol, fluorine compounds, saccharine, alcohol, dulein, glucin, cocaine, caffeine, theine or any preparation of lead, copper, sulphuric acid or other mineral acid or other ingredient injurious to health; provided that nothing in this act shall be construed as prohibiting the sale of catsups, sauces, concentrated fruits, fruit juices, and like substances, preserved with 1-10 of one per cent of benzoate of soda or the equivalent benzoic acid, when a statement of such fact is plainly indicated upon the label; provided, further that the oxides of sulphur may be used for bleaching and refining food products."

Section 7 requires a formula on all baking powder, and it must contain not less than 10 per cent available carbon dioxide.

Section 8 relates to milk.

Section 9 provides for milk inspection.

Section 10 provides that a guaranty may be given by any resident of the state or United States.

Section 11 provides a fine for violation of the act.

Section 12 provides for appointment of dairy and food commissioner, but provides that he must be a practical analytical chemist and bacteriologist.

This would preclude a practical person from being commissioner unless he was a chemist and bacteriologist.

Section 13 gives the governor power to remove the commissioner for cause.

Section 14 provides for the appointment of an assistant commissioner.

Section 16 provides for a stenographer.

Section 17 provides for inspectors.

Section 18 provides for payment of salaries.

Section 19 provides for offices, etc.

Section 20 provides for the taking of samples and contains the following provision:

"It shall also be the duty of the Dairy and Food Commissioner to formulate, publish and enforce such rules and regulations as may be necessary to enforce this act, and he shall adopt the standards for foods, food products, beverages, drugs, etc., and the method of analysis authorized as official by the United States Department of Agriculture of the National Food Commission in so far as they are applicable in the light of modern discovery and research."

Section 24 follows the National Food Law.

Section 25 gives the commissioner and his inspectors power to seize any goods they consider illegal.

Section 26 provides that the law shall take effect as soon as enacted.

The above bill has been amended as follows:

"In the first and second lines of the title strike out the words 'amend chapter 39, acts of the general laws of the thirtieth legislature entitled an act.' After the word 'duties' in the sixth line of the title of the typewritten bill in your possession insert 'and repealing chapter 39 of the laws of the thirtieth legislature.' Strike out all of section 1a. On page 5, in the sixth line of section 6, strike out the words 'caffeine, theine.' Insert a new section 26 as follows: 'Section 26. The act passed by the thirtieth legislature and designated in the general laws of the regular session of the thirtieth legislature as chapter 39 be and the same is hereby repealed.' Change the number of section 26 to 27."

#### HOUSE BILL NO. 68.

By Mr. R. L. Cable.

Is a bill to levy occupation tax on all retail dealers in non-intoxicating malt liquors, such as "Uno," "Ino," "Frosty," "Tin-top," and "Tetotal."

The bill exempts, however, druggists who sell proprietary remedies and such things as malt extract, malt medicine and malt and iron.

The bill levies upon all firms, persons, etc., selling at retail non-intoxicating malt liquors an annual state tax of \$2,000, and provides that counties and incorporated cities and towns may, in addition, levy an annual tax of not exceeding \$1,000 upon any such person, firm or corporation.

#### Utah.

#### SENATE BILL NO. 56.

By Mr. Gardner, Feb. 2, 1909.

Referred to Committee on Manufacturings and Commerce and Judiciary Committee.

Is a bill relating to intoxicating liquor licences.

Section 1258 makes any patent or proprietary medicines, classed by the United States Commissioner of Internal Revenue as subject to Internal Revenue special tax on liquor, subject to the provisions of the law and would compel a manufacturer to take out a license before selling the same.

The same section again says that no person shall dispose of or give away any proprietary, patent or compound medicine classed by the Commissioner of Internal Revenue as subject of the United States Internal Revenue Tax as an intoxicating liquor, except upon the prescription of a licensed and practicing physician of this state.

#### SENATE BILL NO. 80.

By Mr. Williams.

Referred to Committee on Public Health.

Is an act creating a Dairy and Food Bureau, defining its duties, powers, etc.

Section 1 creates a State Dairy and Food Bureau to consist of 9 residents of the state. The Governor, State Chemist, Secretary of the State Board of Health, and State Dairy and Food Commissioner shall be members of the board. Five other members shall be appointed by the Governor, as follows:

One practical manufacturer or packer of food or food products; one practical farmer; one representative of the live stock and slaughter interests; one merchant engaged in the sale of food products, and one member shall be a non-producer of food products.

Section 2 gives the said bureau power to establish rules and regulations for the operation of creameries, butter and cheese factories, dairies, slaughter houses, confectioneries, bakeries, and all places where food is bought, sold, manufactured, prepared or stored. The rules and regulations thus established to conform as nearly as possible with the regulations promulgated by the Agricultural Department of the United States under the Food and Drugs Act, and also under the Meat Inspection Act.

Section 3 makes it an offense to violate any rules or regulations established by the said bureau.

Section 4 appropriates money for carrying out the law.

#### Washington.

#### SENATE BILL NO. 116.

By Mr. Meyer.

Relates to the sanitation of food producing establishments.

#### SENATE BILL NO. 213.

By Mr. Metcalf.

Amends Chapter 211 of the Session Laws of 1907, by adding the following to the definitions of adulteration:

"Seventh, if a wheat or cereal product that has been



bleached or colored or made whiter by any electrical, chemical or acid device, or treatment whatsoever."

#### Washington.

HOUSE BILL NO. 85.

By Mr. Buchanan, Jan. 21, 1909.

Referred to Committee on Medicine, Surgery, Dentistry and Hygiene.

Is a bill to prevent adulteration of food and to prescribe sanitary conditions.

Section 1. Provides that foods shall be handled in a sanitary manner, and that inspectors shall have the right to inspect places where foods are kept.

Section 2 makes it unlawful to adulterate food.

Section 3 gives inspectors power to seize and confiscate any food they may think is adulterated, and without giving the owner of the food any trial in court.

Section 4 relates to sale of young calves.

Section 5 prohibits the use of anything in meat except spices, salt, saltpeter, clean water, sugar or cereal flour.

Section 6 prescribes sanitary conditions.

#### Wisconsin

HOUSE BILL.

By Mr. Inghram.

Prohibits the adulteration of liquors.

HOUSE BILL NO. 286-A.

By Mr. Mortensen.

Feb. 5, 1909.

Referred to Committee on Public Health.

Relates to the sale of dairy products.

#### Wyoming.

SENATE BILL NO. 7.

By Mr. Atherly, Jan. 15, 1909.

Referred to Committee No. 17, Sanitation and Medicine.

Relates entirely to the sale of syrups and has just been passed by the legislature of Wyoming and is printed in another part of this issue.

This bill has been passed and signed by the Governor and is printed in full in this issue.

HOUSE BILL NO. 150.

It is a bill to fix standards of weights and measures, but does not require net weight or measure to be stated.

This bill has been killed in Committee.

#### COMMISSIONER A. H. JONES OF ILLINOIS RULES WITH THE REFEREE BOARD.

Chicago, February 8, 1909.

Dear Sir:

The Referee Board of Scientific Experts has reported that "sodium benzoate in large doses (up to 4 grams per day), mixed with the food, has not been found to exert any deleterious effect on the general health, nor to act as a poison in the general acceptance of the term."

"The admixture of sodium benzoate with food in small or large doses has not been found to injuriously affect or impair the quality of nutritive quality of such food."

In view of these findings and the fact that the full report will not be available for some time, it has been decided by the department that the placard mentioned in bulletin No. 12, stating "the fruits and sirups used at this fountain are preserved with 1-10 of 1 per cent of benzoate of soda," will not be required this season.

A. H. JONES, State Food Commissioner.

P. S. I trust that you will exercise the greatest care in keeping all parts of your store where food is served, prepared or stored, in the best possible sanitary condition. During the past year several instances were found in which those parts of the store and soda fountains not exposed to public view were dirty and insanitary. These matters will be investigated and prosecuted more thoroughly this year than ever before.

#### THE PROPOSED UNIFORM FOOD LAW FOR STATES.

By DR. T. J. BRYAN,  
Illinois State Analyst.

In accordance with a resolution adopted at the Mackinac convention of the State and National Food and Dairy Departments, a committee was appointed and a bill drafted for a proposed uniform food law for states.

In accordance with a request from Commissioner Jones I have prepared a comparison of the provisions of the proposed law with those of the Illinois State Food Law. In the comparison the sections of the proposed law are named first.

All the provisions of section 1 of this law with reference to foods are found in sections 5, 6 and 41 of



DR. T. J. BRYAN.

the Illinois law, except that, according to the Illinois law, one can manufacture foods which are adulterated or misbranded under Illinois law for sale outside of the state.

Section 2 is practically identical with section 7 of the Illinois law.

Section 3, first and second, are identical with section 8 in the case of food, first and second.

Section 3 third, first part, is the same as section 8 third of Illinois law, with the following words added, "or if the product be below that standard of quality, strength or purity represented to the purchaser or consumer." So far as the label is concerned such misrepresentation is fully and clearly forbidden under the Illinois law in section 9 second and fifth, and section 9 also, in my opinion, forbids any oral misrepresentation as well as requiring the labeling of both bulk and package manufactured foods. It is much easier in court to prove what was on a label than to prove what was said.

Section 3 fourth contains in addition to what is contained in fewer words in section 8 fourth of the Illinois law, "or if it is colored or flavored in imitation of the genuine color or flavor of another substance." When-



ever coloring or staining, etc., enables an article to be sold for something it is not, and it is so sold, the previous portion of the section forbidding its being made to appear better or of greater value than it really is, applies.

Section 3 fifth contains provisions found in the Illinois law in section 8 fifth, first and second, and forbids in addition the use of "benzoic acid or benzoates," "sulphurous acid or sulphites," "dulcin, glucin, saccharin, caffein, betanaphthol, hydro-naphthol, abrastol, asaprol, oxides of nitrogen, nitrous acids or nitrates, compound of copper, pyroligneous acid." Those of these substances that are injurious and not specifically named in the Illinois law are forbidden by a general provision. The character of several of these substances is being investigated by the Referee Board of Scientific Experts, and if found to be injurious by them can easily be excluded from use in foods in this state under the present law.

Section 3 sixth has in addition to the provisions of section 8 sixth of our law certain provisions of sanitation to be observed in the production, distribution and manufacture of foods, that are very desirable and which are not all found in the Illinois law (see section 2, 16 and 17 and 8 sixth). The provisions with reference to the sale of foods which are not standard is similar to section 39 provided of the Illinois law. The provisions with regard to labeling and size of type are somewhat different though no more exacting than those of the Illinois law (see section 9 fourth and section 37). The latter part of section 3 sixth is found in the Illinois law and in section 9 provided, second.

Section 4 first, second and third are the same as the Illinois law, section 9 first, second, fifth.

Section 5 contains provisions similar in character to those of section 9 fourth of the Illinois law. Illinois law requires the name and address of the manufacturer, jobber or dealer, while the proposed law requires that of the manufacturer or jobber, excluding the retailer. The proposed law requires a label only on package goods; the Illinois law requires a label on all packages of foods and on all manufactured foods. Without this latter provision not included in the proposed law the consumer would receive little protection in the purchase of manufactured foods sold in bulk. This section of the proposed law also requires the branding with "the true grade or class of the product." This wording is not as clear as the Illinois law and when carefully analyzed requires no more than the Illinois law, i. e., "the true name of the article." The requirement in this section of the proposed law, of a statement of "the true net weight or volume of the contents or the capacity or trade size of the container," is not included in the Illinois law.

Section 6 of the proposed law contains standards for food products. The Illinois law in section 1 and section 39 provided for standards by a state food standards commission.

The provision of the proposed law in section 6, fourth, preservatives and coloring matter, appear to be entirely superfluous in view of the sweeping provisions of section 3 fourth and fifth. Moreover, a declaration of what "should not be permitted" in a law does not carry the effect of "shall not be."

#### ILLINOIS LAW BETTER.

Considering the above comparison, I do not see that Illinois would have anything to gain by adopting the proposed uniform food law. Besides all the excellencies of the proposed bill (with the exception of those

sanitary provisions not covered by sections 2, 16, 17, 18 and 8 sixth), we have those desirable provisions of the Illinois law not included in the proposed law, as follows:

Section 1. Provisions for appointment of a state food commissioner and the establishment of a state food department.

Section 2. Defining powers of commissioner and inspectors making inspections.

Section 3. Refusal to assist inspector a misdemeanor.

Section 4. Provisions for duplicate samples and their transmission to analyst.

Section 9. Provided, first and second, relating to distinctive names and compounds, imitations and blends.

Section 10. Giving powers of confiscation and condemnation of misbranded or adulterated foods.

Section 11. Forbidding the addition of any foreign substance to any vinegar, and requirements for branding.

Section 12. Forbidding manufacture of certain imitation extracts. Provision for branding mixed flavors.

Section 13. Standard for baking powder.

Section 19. Branding of skim milk.

Sections 20-21. Provisions protecting the farmer when milk is sold by Babcock test.

Section 22. Provisions prohibiting the advertisement, manufacture or offering for sale for use in food of injurious preservatives.

Section 23. Marking milk wagons.

Sections 24, 25, 26. Affecting the sale of adulterated lard.

Sections 27, 28. Affecting the sale of process butter.

Section 29. Illegal foods to be seized.

Section 30. Search warrants.

Section 31. Provides the assistance of states attorneys and protection to the retailer on the establishment of a guaranty.

Section 32. Co-operation with board of health.

Section 33. Forbids state analysts giving certificates of purity.

Section 34. Forbids the use of any shift or device to evade law.

Section 35. Master's liability.

Section 37. Label requirements, size of type.

Section 38. Commissioner to make rules and regulations.

Section 40. Provides for preliminary hearings by commissioner.

Section 42. Judgments—issuing capias.

Section 43. Repeal.

In addition to the above there is the act still in force to regulate the manufacture and sale of substitutes for butter.

All the above provisions not included in the proposed law have met with approval and have proved to be desirable. The Illinois law is in harmony with the national law.

The proposed committee hearing on the Gerberich and Murphy food bills in Pennsylvania have been postponed for two weeks, or until March 1st.

Secretary Wilson, survivor of many cabinet changes, still finds his anchorage secure.—Chicago Daily News, December 21.



# Referee Board of Experts Overrule Dr. Wiley

## President's Commission of Scientists Discredits Him in First of Food Preservative Investigations.

The board of scientific experts appointed by President Roosevelt to investigate the question of food preservatives made its first report January 23d. This report dealt with benzoate of soda, and the decision of the board is directly contrary to the view held by Chief Chemist Wiley of the Department of Agriculture.

The board, which is made up of five of the leading scientific experts of the United States, decides that benzoate of soda is without harmful or poisonous action when mixed with food, either in small or large doses, and is not injurious to health. This decision is arrived at after four months of study and experiment, conducted at three different points and with three separate groups of subjects.

In his report on this same preservative, which he made public in defiance of the President and the Secretary of Agriculture, while the present investigation was still in progress, Dr. Wiley declared unqualifiedly against benzoates on the ground that they were harmful in any quantity, no matter how small.

The issue, so far as the public is concerned, now stands between Dr. Wiley and his experiments on the one hand, and on the other the results of experiments and deliberations by the following eminent experts who form the President's Referee Board of Chemists:

President Ira Remsen, of Johns Hopkins University, the leading scientific institution of the country.

Dr. Russell H. Chittenden, director of the Sheffield Scientific School at Yale University.

Dr. C. A. Herter, professor of physiological chemistry, College of Physicians and Surgeons, Columbia University.

Dr. John H. Long, professor of chemistry, Northwestern University, Chicago.

Dr. Alonzo E. Taylor, professor of pathology, University of California.

The report itself is very voluminous and deals with three distinct investigations, all of which prove that benzoate is not deleterious to health. The report is unanimous on the part of the scientists who conducted the investigations. It will be published as a bulletin of the Department of Agriculture as soon as it can be put into type.

### SUMMARY OF THE REPORT.

#### QUESTIONS TO BE SOLVED.

"Of the questions referred to this board (Dr. Alonzo E. Taylor, professor in the University of California, a member of this board, owing to absence in Europe, has not been able to participate in the investigations embodied in this report) the first to engage our attention have been the following:

"1. Does a food to which there has been added benzoic acid, or any of its salts, contain any added poisonous or other added deleterious ingredient which may render the said food injurious to health? (a) In large quantities? (b) In small quantities?

"2. If benzoic acid or any of its salts be mixed or packed with a food, is the quality or strength of said

food thereby reduced, lowered or injuriously affected? (a) In large quantities? (b) In small quantities?

"To obtain satisfactory answers to these questions the board has felt it necessary to carry through a careful investigation of the effect of benzoic acid or some one of its salts on the nutrition and general health of man. A thorough study of the literature giving the results of work done by various investigators on the physiological effects of benzoic acid and its salts, together with a study of reported clinical and medical observations, therapeutic usage, etc., have made it apparent that additional work was needed to render possible a conclusive answer to the above questions.

"With a view to limiting the scope of the work, while at the same time meeting all practical requirements, our investigation, with the consent of the Secretary of Agriculture, has been confined to a study of the effect of the sodium salt of benzoic acid, viz.: sodium benzoate.

"To make this experimental inquiry as thorough as possible and to minimize the personal equation, three independent investigations have been carried out; one at the Medical School of Northwestern University in Chicago under the charge of Professor John H. Long of that institution; a second at the private laboratory of Professor Christian A. Herter, of Columbia University, New York City; and the third at the Sheffield Scientific School of Yale University in charge of Professor Russell H. Chittenden.

#### METHOD USED IN THE TESTS.

"The same general plan of procedure was followed in all three experiments. A certain number of healthy young men were selected as subjects, and during a period of four months these men, under definite conditions of diet, etc., with and without sodium benzoate, were subjected to thorough clinical and medical observation, while the daily food and the excretions were carefully analyzed, and otherwise studied, and comparison made of the clinical, chemical, bacteriological and other data collected. (For details see the individual reports.) In this manner material has been brought together which makes possible conclusions regarding the effect of small and large doses of sodium benzoate upon the human system.

"In fixing upon the amount of sodium benzoate that should constitute a 'small dose' we have adopted 0.3 gram of the salt per day. Manufacturers of food products which in their view require the use of a preservative are in general content with 0.1 per cent of sodium benzoate. This would mean that in the eating of such a preserved food the consumer would need to take 300 grams per day, or nearly two-thirds of a pound of preserved food, to ingest an amount of benzoate equal to our minimal daily dosage. Looked at from this point of view our dosage of 0.3 gram per day seemed a fair amount for a 'small dose'; one that would clearly suffice to show any effect that small doses of the salt might exert, especially if continued for a considerable length of time. In all these four experiments this daily dosage was continued for a period of about two



months. Under 'large dose' was included quantities of sodium benzoate ranging from 0.6 gram to 4.0 grams per day. Such a daily dosage was continued for a period of one month. In a few instances somewhat larger doses were employed.

"As the amount and character of the daily diet exert a well-known influence upon many of the metabolic or nutritive changes of the body, as well as upon the bacterial flora of the intestines, attention is called to the fact that the three investigations differed from each other in the amount of protein food consumed daily, thereby introducing a distinctive feature which tends to broaden the conditions under which the experiments were conducted.

#### ALL THE CONCLUSIONS AGREE.

"The conclusions reached as a result of the individual investigations are given at length in the separate reports herewith presented, together with all of the data upon which these conclusions are based. The fact should be emphasized that the results obtained from the three separate investigations are in close agreement in all essential features. The main general conclusions reached by the Referee Board are as follows:

*"First. Sodium benzoate in small doses (under 0.5 gram per day), mixed with the food is without deleterious or poisonous action and is not injurious to health.*

*"Second. Sodium benzoate in large doses (up to 4 grams per day), mixed with the food, has not been found to exert any deleterious effect on the general health, nor to act as a poison in the general acceptance of the term. In some directions there were slight modifications in certain physiological processes, the exact significance of which modifications is not known.*

*"Third. The admixture of sodium benzoate with food in small or large doses has not been found to injuriously affect or impair the quality or nutritive value of such food."*

## SECRETARY WILSON DEFINES DUTIES UNDER THE FOODS AND DRUGS ACT

Hon. A. F. Lever of South Carolina, who took up the cudgel in behalf of Dr. Wiley, and as every utterance proves under Wiley's direct supervision and instruction in the attempt to withhold the appropriation for the referee board of consulting scientific experts and in which attempt he failed miserably, called forth the following letters from Secretary Wilson which are valuable additions to food literature as showing the detailed workings of the enforcement of the food and drugs act.

Department of Agriculture,  
Office of the Secretary,  
Washington, February 3, 1909.

Hon. A. F. Lever,  
House of Representatives, Washington, D. C.

Dear Mr. Lever: I am sending you the information requested in your two letters of the 1st instant regarding the referee board of consulting scientific experts and the board of food and drug inspection. Most of the information which you desire concerning the referee board is contained in a letter which I have written to Mr. Scott, the chairman of the House committee, on January 13, 1909, and I am taking the liberty of inclosing a copy of this letter. You ask what duties in the Bureau of Chemistry are assigned to the members of the

referee board, and whether these gentlemen act under the authority of the chief of the bureau. No duties in the Bureau of Chemistry are assigned to these men. They are all connected with prominent universities and have their own laboratories. They do not do any work under the authority of the Chief of the Bureau of Chemistry. They report directly to me. The law speaks to me, and says that I must keep out of foods substances which are deleterious to health. When grave conflict of scientific opinion arises concerning the deleteriousness of a particular substance, I refer that substance to the referee board, and an elaborate scientific investigation is conducted to determine whether the substance is harmful. My action in allowing or excluding the substances is based upon the report of this board, which is made directly to me. I think, with this statement and the copy of my letter to Mr. Scott, you will be able to answer any questions which may arise in the course of the debate.

The formation of the Board of Food and Drug Inspection is also treated in my letter to Mr. Scott, but you ask for the orders and official documents relating to the creation of the board, and I am sending you a copy of the order. I also send a copy of Doctor Dunlap's appointment. General Order No. 111 defines the duties of the Board of Food and Drug Inspection, as follows:

"\* \* \* The board will consider all questions arising in the enforcement of the food and drugs act of June 30, 1906, upon which the decision of the Secretary of Agriculture is necessary, and will report its findings to the Secretary for his consideration and decision. All correspondence involving interpretation of the law and questions arising under the law, not theretofore passed upon by the Secretary of Agriculture, shall be considered by the board. The board is directed to hold frequent meetings at stated times in order that findings may be reported promptly.

"In addition to the above duties, the Board of Food and Drug Inspection shall conduct all hearings based upon alleged violations of the food and drugs act of June 30, 1906, as provided by regulation 5 of the Rules and Regulations for the Enforcement of the Food and Drugs Act, approved October 17, 1906."

Doctor Dunlap acts in the capacity of secretary to the board.

To particularize the duties of Doctor Dunlap, his work is confined wholly to the subject of the food and drugs act, and while by title associate chemist in the Bureau of Chemistry, he is in no way connected with the administrative work of the bureau.

His time is devoted to:

1. *Hearings.* These hearings are necessary under section 4 of the food and drugs act. The Board of Food and Drug Inspection sits as a board at these hearings, and stenographic notes are taken of them. This is done by the force in Doctor Dunlap's office, and the records of the board are kept on file there. Hearings on general topics of interest are conducted by the board, frequently in view of a proposed publication of an important question under the food and drugs act as, for example, the case of hearings on coffee, mineral waters, bleached flour, etc. Hearings before the board are also frequently had on appeal from cases heard at the various port laboratories.

2. *Executive Sessions.* These are held regularly twice a week, or oftener if need be, and are given over to the consideration of important questions affecting the enforcement of the act, such as questions of interpretation, cases arising for prosecution under the act, and important questions raised in connection with correspondence. As secretary of the board, Doctor Dunlap keeps the minutes of executive sessions, and presents all the matter at the meetings for the consideration of the board.

3. *Correspondence.* All correspondence affecting the food and drugs act passes through Doctor Dunlap's hands for consideration, and he, personally, handles as much of the correspondence as time allows. Especially is this true of letters which require the signature of the Secretary of Agriculture. Only by such control is consistency of action on the part of the department obtainable.

4. Doctor Dunlap also personally supervises the preparation of the letters for the signature of the Secretary, which are to be sent to the Secretary of the Treasury, dealing with imported foods and drugs, indicating the offense under the act. These letters are afterwards considered by the other members of the board before being submitted to the Secretary for consideration.

(Continued on page 26.)





## WHAT NEXT?



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## THE CASE OF DR. WILEY.

Dr. Wiley has been to a large extent discredited as a chemist by the report of the Board of Referee Chemists on benzoate of soda.

Back of this reversal, Dr. Wiley has gone over the bumps on more than one occasion in defending his untenable positions, or in making shadow dance movements to change his position when it suited his purpose to do so.

In 1904, before the Pure Food Congress in St. Louis, Dr. Wiley, in explaining the manufacture of "whisky," said:

"The term 'fusel oil' means a collection of those higher alcohols which are produced in the fermentation of the mash. These alcohols, however, pass over with the water in the still, but they are carried over mechanically so that they all appear in greater or less quantities in the product. *Now in order that this product be good for consumption, it is necessary that this fusel oil be removed.*"

At that time Dr. Wiley believed that aging impure whisky in charred barrels removed the fusel oil.

The regulations issued by the Department of Agriculture regarding imported spirits under the Act of 1902, drafted by Dr. Wiley, required that imported spirits should be stored in wood sufficiently long to remove the fusel oil.

Investigations abroad and in this country (with which Dr. Wiley had nothing to do) proved that storage of fusel-oil-bearing-whisky, in wood, did not decrease the fusel oil and that aging would not refine whisky.

Thereupon Dr. Wiley changed his mind completely on whisky. Fusel oil that in 1904 had been so bad as to make whisky containing it unfit for consumption, now became, according to his teaching, a necessary ingredient in whisky, and a whisky which did not contain it became unfit for consumption.

Dr. Wiley's next definition for whisky, given after the discovery that impure spirits aged in a charred barrel are high in fusel oil, stated that whisky must contain all the congeneric products (fusel oil) which are created during the fermentation of the mash and which vaporize at the ordinary temperatures of distillation.

This was in the face of the unanimous physiological opinion that fusel oil is a deleterious and dan-

gerous substance, the elimination of which is a necessary step in the manufacture of pure whisky.

Yet Dr. Wiley was so zealous in the interest of the bottled in bond whisky ring (made up chiefly of the whisky trust) that he insisted and has continued to insist that only the unpurified and fusel oil bearing raw whisky may be labeled whisky, and that a buyer asking for whisky must be given only the impure spirits.

Purity, to Dr. Wiley, does not mean freedom from deleterious impurity. He would poison the public with fusel oil to preserve the name "whisky" to a select coterie of his supporters, who cannot, or do not, make pure whisky.

In discussing whisky, Dr. Wiley used the following language before a congressional committee in 1906:

"But the word 'purity' is used in two senses, unfortunately. With regard to food, I never use the word 'purity' except in one sense. A pure food is what it is represented to be. It has nothing to do with its wholesomeness at all. A pure food may be unwholesome, as has been testified here."

Dr. Wiley has declared for and against alcohol.

In 1906, before a Congressional Committee, discussing Dr. Atwater's report on alcoholic liquors, Dr. Wiley said that alcohol has a distinct food value up to a certain point. He said:

"I made a special report to the Secretary of Agriculture, and I went over the whole thing with Dr. Atwater, and I think that alcohol up to three ounces is completely oxidized in the average human frame within twenty-four hours. To that extent it is food."

A year later, before another Congressional Committee, Dr. Wiley had apparently forgotten his statement just quoted.

The following colloquy occurred:

"Dr. Wiley: I think that pure spirits is a poison pure and simple. It coagulates the protoplasm in the cells.

"The Chairman: You mean pure spirits?"

"Dr. Wiley: Yes, alcohol."

Dr. Wiley was urging the cause of fusel oil whisky when he made the last statement, and followed it by saying that twenty substances, including alcohol, were created in the fermentation of whisky (fusel oil whisky), which, when mellowed by age, make "a beverage which is tonic and wholesome and healthful and non-poisonous." He neglected to add, or explain, that according to his views the thing which would prevent pure spirits from being "poison pure and simple" was fusel oil, an article ten times as toxic as alcohol, and operating as accumulative poison, the eventual effect of which is insanity.

So much for Dr. Wiley's scientific gymnastics on whisky. He has admitted in testimony that he never made an analysis of whisky. He has declared that fusel oil is a harmful thing which should be expelled from whisky. He has declared that fusel oil is a prime essential of whisky. He has declared that alcohol is a food. He has declared that alcohol is a poison. He has declared that alcohol and fusel oil together are "tonic and wholesome and healthful and non-poisonous."

So far as whisky is concerned, Dr. Wiley is not a scientist. He is only a clumsy and awkward imitation scientist, doing a special plea as an expert for an



interest that wants to sell fusel oil to the public in its kind of whisky.

As an investigator, Dr. Wiley shines most brilliantly. His investigations have cost the government thousands of dollars, but have been subject to two prime faults. The first fault was that Dr. Wiley, according to the leaders of his own profession, did not know how to make the investigations; and the second fault was that after he had secured his data, Dr. Wiley did not know how to draw the conclusions. In other words, he did not know what the data meant.

The explanation given for the defects in Dr. Wiley's investigations, by those who would defend him as a scientist, is that he wished to arrive at certain conclusions, and tried to force the result by the way he experimented; and failing this, he deliberately distorted the meaning of the facts as he got them. This explanation damages Dr. Wiley's integrity more than it fortifies his scientific pretensions. Some of Dr. Wiley's friends say that they would rather think him a well-disposed bungler than a scientific distorter.

An examination of Dr. Wiley's early career throws some light on his mental attitude. It shows that in at least one instance he was guilty of a scientific distortion which even he admitted was simply false. That indiscretion has long been known as the "WILEY HONEY LIE."

In an article in the Popular Science Monthly, June, 1881, Dr. Wiley said:

"In commercial honey, which is entirely free from bee meditation, the comb is made of paraffine, and filled with pure glucose by appropriate machinery.

"This honey for whiteness and beauty rivals the celebrated real white clover honey of Vermont, but can be sold at an immense profit at one-half the price."

This statement was widely published and led to general belief that honey in the comb was a common subject of adulteration. Dealers in comb honey were injured in their trade by the hue and cry Dr. Wiley's statement raised.

The National Bee-Keepers' Union, and the American Bee Journal denounced again and again the assertion as a libel, and it was conclusively proved that adulteration of honey in the comb as indicated by Dr. Wiley was a commercial impossibility.

Dr. Wiley admitted, in an article published in the "Indiana Farmer" and reprinted in the "American Bee Journal," June 14, 1882, page 370, that there was no truth in his assertion. He said:

"The statement, which, when written, was meant for a scientific pleasantry, came near throwing the whole bee-world into epilepsy."

Dr. Wiley gave up "scientific pleasantries" as such, when he learned that by appearing serious, and solemnly denouncing particular foods and food practices, he could make a frightened audience of the entire American people.

Dr. Wiley never made a discovery in chemistry, but he made the original discovery that every person who could read would listen to condemnation of food. In one sense the greatest muckraker in the United States is Dr. Wiley, and the reason is that he is a muckraker in food, the thing that, after all, comes nearer to every man, woman and child in the United States than anything else.

To be a successful muckraker, one must disclose unsuspected horrors. Dr. Wiley assured the public

that filthy, decomposed and utterly worthless vegetables were treated with preserving drugs, and marketed in form fit to kill all eaters. That the country had not been depopulated by the stealthy poisoners, as must have been the case had all of Dr. Wiley's assertions in regard to preservatives and general trade practices been true, was unthought of in the excitement of new marvels of adulteration exhibited by Dr. Wiley at appropriate intervals.

Having alarmed the country by mere assertions, Dr. Wiley proceeded to his proofs by way of "poison squad" experiments. Had Dr. Wiley been a sound practitioner, he would have concluded his experiments before making his assertions. But having taken his position, he was obliged, if possible, to sustain himself.

The series of experiments on the Boron compounds is a good example of the fiasco of the Wiley poison squads, more pronounced in some aspects than the personally conducted "investigation" of benzoate of soda, which the Referee Board has exposed.

Dr. Oscar Leibreich, Professor of Chemistry in the University of Berlin, in an extensive criticism of the Boron investigation (English Translation, London, 1906) pointed out, among twelve conclusions, that the experiments were improperly planned, that the administration of the preservatives in capsules allowed of no conclusions as to the effects of borates when added to food in normal quantities, and that, even under the adverse conditions of the test, no facts were gleaned to condemn the preservative as unhealthful in the quantities ordinarily used.

Commenting on Dr. Wiley's statement that on account of the contradictory data secured, it was necessary to interpret the results with a view to giving greater weight to those data deserving the greater credit, Dr. Leibreich, himself one of the foremost scientists of Germany, expressed great astonishment that a modern investigator should allow himself to select facts that suited his purpose in forming the basis of an opinion. Dr. Leibreich said:

"In the chapter on the classification an interpretation of data, very strange remarks are to be found, which cannot be reconciled with the present position of natural science criticism, but which lead to the very thing that scientific observation wishes to avoid, the admission of a subjective opinion."

Quoting Dr. Wiley's statement that an original investigator must free himself from bias, and the weight of authorities already consulted, Dr. Leibreich adds:

"But his own investigations are to be considered from another point of view. He considers himself an authority able to judge subjectively as he thinks fit without convincing proofs."

This apt statement epitomizes Dr. Wiley's attitude. His assumptions are in his mind of greater authority than a physiological chemist's facts. Dr. Wiley, testifying in a recent case, was asked how he learned a certain fact.

"Oh, I knew that without investigation," he answered. He did not explain why he had conducted experiments thereafter in investigation of the self-evident fact.

That Dr. Wiley can distort facts and draw almost absurd conclusions and is so convinced that his assumption is sound that no fact established against his



position will dislodge him, is well shown in an aftermath of his Boron experiment.

All the men had improved during the time Dr. Wiley had dosed them with the Boron preservative by the capsule method. Dr. Wiley explained this by saying that it did not prove that borate of soda was not a poison, but did prove that the condition of the men was so good that they actually thrived on the poison.

Commenting on this result of the investigation as found by Dr. Wiley, Dr. Leibreich first quoted Dr. Wiley's own language as follows:

"It is, nevertheless, an interesting fact to note that at the end of the year, after the final 'after period' had been passed, they appeared to be, and declared themselves to be, in better physical condition than when they entered upon the experimental work seven months before."

The German Professor then said:

"It is surely a strange view that injurious substances may be administered during regular habits of living, or that in a period in which, during regular habits of living, some substances were administered, the favorable after-results should be ascribed to the regular habits and not to the substances. It is impossible to imagine how an *investigator* can maintain such an assertion. No injurious substance is known which can be allowed to act for weeks or months, and *the effects of which can be counteracted by the regular habits kept to during this time.*

"This arbitrary view must be repudiated, and Dr. Wiley cannot escape the reproach that in spite of his prudent form of expression, which tends to give the reader the idea of his impartiality, these last-mentioned conclusions are not such as to entitle him to the name of an impartial critic."

Discussing one aspect of Dr. Wiley's findings regarding sulphites in dried fruits, Dr. E. S. Smith, Professor of Physiology and Organic and Biological Chemistry in Fordham University School of Medicine, had the following to say in an article in the January, 1909, number of "American Medicine":

"I must disagree absolutely with Dr. Wiley that the facts recorded in Bulletin 84, Part III, give any evidence at all of blood impoverishment. . . .

"I trust it will not be understood that I am in any way antagonistic to proper methods for the correction of any real vice in the use of preservatives. We are indebted to Dr. Wiley for the impetus given in this reform. The realness of the evils, whatever they be, and any actual necessity or advantage that thereby arises for their correction should not prevent us from soberly and honestly considering the results of scientific investigation of the influence on health of these substances."

In a recent case in Washington, D. C., Dr. Wiley refused to qualify as an expert in pharmacology, medicine, or therapeutics, although he willingly expresses through the press the most violent opinions on subjects connected with these sciences in the security of knowing that there is no opportunity for the refutation of his misstatements.

Dr. Wiley's lack of scientific capacity, his militant inefficiency in the true field of his official functions, and his monumental egotism would long since have

caused his removal, but for the political pressure which he has been able to bring to bear in Washington, through the working of the machine which he has organized by means of the Association of Official Agricultural Chemists, and the National Association of State Dairy and Food Departments. To this we called attention in our issue of August 15, 1908.

Dr. Wiley's position is expressed in these words:

I am the essence and the spirit of the Pure Food Law. I alone am competent to interpret its meaning and apply its rules. I alone am qualified to determine the abuses which that law shall correct, and manipulate the machinery for their correction.

This was shown by the attack which Dr. Wiley engineered in the past month on the floor of the House of Representatives against the Board of Referee Chemists. The ammunition which he furnished those in charge of the attack was replete with assertions that Dr. Wiley alone should determine the facts in all food matters, and that any process of appeal from his decision was unlawful.

The Food and Drugs Act, as Dr. Wiley must be coming to realize, is not one man, nor is one man the Food and Drugs Act. There is no right of prescription in the enforcement of a national law.

The past week's celebration of the Lincoln Centennial calls to mind his great epigram:

"You can fool all of the people part of the time, and part of the people all of the time, but you cannot fool all the people all the time."

To none does this truth apply with greater force than to Dr. Wiley. His cry "Wolf" seemed to fool all the people for a brief span; he continues to fool some of the uninformed; but those whom he can no longer fool are seeing to it that in the end Dr. Wiley, the charlatan, will fool no one.

Dr. Wiley will be known finally to fame as an imitation scientist, who had a vast gift for self-advertisement, and the most aggravated case of egocephalus that a small mind ever developed.

#### FOURTH ANNUAL REPORT OF THE WYOMING DAIRY, FOOD AND OIL COMMISSION.

According to E. W. Burke, the State Dairy and Food Commissioner of Oregon, the work of the department for the year 1908 has been carried on with increased activity. Six hundred and fifty-one samples have been collected and analyzed of which 119 were adulterated or misbranded, or 18.3 per cent. The percentage of adulterated food in previous years was 33 per cent.

Mr. Burke personally visited a number of slaughter houses on which complaint had been made and a large number of meat markets. He strongly advocates the protection of meat in transportation by means of tarpaulin. Also the frequent inspection of hotels and restaurants and dairies. Twenty-three prosecutions were instituted during the year, most of which terminated in favor of the state. In the chemists' report the result of the analyses of the various samples received with the local history of the sample is given.

The cost to the state of this work, including salaries, was exactly \$3,462.85, which is highly creditable to the state of Wyoming.

"Which," says the National Provisioner, "a man who admitted he could only qualify as a food expert in a drug case or five food scientists?"



**BENZOATE OF SODA.**

This Journal has heretofore taken no part in the benzoate of soda controversy except to publish news items and various court decisions pertaining to same. It has taken the position that until the questions involved had been presented and passed upon by a non-partisan and scientific board there was room for an honest difference of opinion.

We were not unmindful of the fact that Dr. W. H. Wiley, chief of the Bureau of Chemistry and the inventor of artificial lamb chops and adulterated comb honey, had condemned this preservative as he has also expressed offhand opinions on every conceivable subject from the indorsement and condemnation of alcoholic drinks to the ethics of the feminine fashion plate. Some of his opinions and theories he has verified by experiments and some not. We have yet to learn of his performing an experiment before pronouncing his conclusion. For these and other reasons it would be charitable not to mention we have not accepted the opinions of Dr. Wiley as *final* or binding on the scientific world.

Until the publication of the report of the referee board the benzoate question had degenerated from a question of fact to a question of advertising. It had lost its scientific bearings and become the football of contending trade interests. The most opulent and aggressive interests (with apologies to the faddists) were those trying to impress upon the public the belief that benzoate of soda is objectionable in food products, and for this purpose they inaugurated a great advertising campaign with the intention of influencing the editorial policy of the newspapers and magazines. But these purchased and biased opinions had even less weight with the world of science than those promulgated by Dr. Wiley.

The decision of the referee board appointed by President Roosevelt will be binding on men of science everywhere and must be accepted by this journal as settling the question as to the harmlessness of benzoate of soda in foods. The character of the man that appointed it, the individual reputation of the men who constituted it, is sufficient proof against prejudice except to those people who only see good in themselves and righteousness in their own ideas. The scientific attainments of the individual members of the board, their positions as professors in chemistry and physiological chemistry in the leading universities of this country, as well as their reputation as original investigators in extending the bounds of science, would make the opinion of any one of them of more consequence than all that has heretofore been said or done on this subject. When that opinion is based on and backed by experiments not conducted by one man but by three independently, and when the verdict is given not by one but unanimously by the five men constituting the committee, there is no longer room for the fair-minded men to entertain a doubt as to the validity of their conclusions. It is true that certain magazines flourishing double-paged advertisements of large business concerns seeking a trade advantage will yelp "Interests" as of yore, secure in the belief that their subscribers have been lulled into imbecility, but the newspapers generally will voice the finding of science, not the mouthings of paid pessimists.

**PLEAS FOR THE RETENTION OF DR. WILEY.**

The apologists for Dr. Wiley set up two lines of defense. One that he is the untterrified friend of the people in the enforcement of the food law and that the appointment of a referee board of consulting experts and their recent decision regarding the non-injurious character of benzoate of soda is tending to let down the bars to all adulterations in food and intimating that the opinion of this board was purchased by one of the contending interests concerned with the question. The second defense is that if he erred it was on the safe side, as it is better to condemn a harmless preservative than countenance a harmful one.

The latter argument is the only one intended to appeal to those who have an intelligent comprehension of the pure food law. This defense was presented by Mr. Lever in Congress even before the referee board had officially announced their findings. However, the other line of defense has been circulated through the country press. All the articles are identically the same and emanate from Washington.

Now the facts are that the pure food law does not approve or prohibit preservatives in food. It does not condemn nor allow benzoate of soda. It does not condemn any specific articles as harmful except in the case of confectionery which is given a separate classification from food and drugs. In confections, terra alba, barytes, talc and chrome yellow are forbidden as deleterious and detrimental to health, and confectionery is also classed as adulterated if it contain any vinous, malt or spiritous liquor, probably on moral grounds. With the possible exception of alcohol in confectionery, no non-poisonous or harmless product is prohibited by the Food and Drugs Act in foods either specifically or by general classification.

Therefore, in enforcing the food law as regards benzoate of soda it is simply a question whether or not benzoate of soda in foods in the amount in which it is used is injurious to health. If benzoate of soda is injurious it is a violation of the food law to use it in foods. If not injurious it is no violation of the law to use it in foods.

Dr. Wiley first opined that it was poisonous and then proved by experiments on his "poison squad" that it was highly detrimental.

The highest authorities in this country have found by physiological experiments (not poison squads) that his ideas, opinions, experiments and conclusions were incorrect. It may be noted, too, that in contrast to Dr. Wiley they made their experiments before drawing their conclusion.

Therefore, the food law is as firm as it ever was; more substantial in fact, as its enforcement may be founded on truth and not error; on facts and not fancies; on sound sense and not sensationalism.

The accusation only made definitely by "What to Eat," alias "The National Food Magazine," that the referee board was in the employ of special interests (while the editor was forming special interests into an organization) is only worthy of mention to indicate how the debased mind betrays its own degradation.

The appeal of Dr. Wiley for condonation because his error was on the safe side, is much more reasonable and if the controversy were simply one of opinion would receive consideration. Unfortunately it had gone far beyond that point, to the point where Dr. Wiley had pretended to sustain his opinions by



test which must show truths, not "safe conclusions," and that he had caused his "influence bought machine" to rush to his aid in a war on the President and Secretary of Agriculture to force his erroneous conclusions into the administration of the food law.

This benzoate of soda reversal is only an incident in Dr. Wiley's relations with the enforcement of the food law. If the error was one of observation or opinion it would not be of vital importance. Unfortunately it is one of far greater magnitude, as it concerns the question as to whether or not Dr. Wiley with his peculiarly constructed mind, however valuable as an agitator, is fitted for duties requiring a well balanced, conservative and unprejudiced mind searching only for the truth and with a high regard for the truth.

#### THE PRINCIPAL COMFORT IS THE JOB.

"A deliberate attempt is being made," says the New York Journal of Commerce, "to make it so uncomfortable for Dr. Wiley that he would resign." And that was before the Referee Board had reversed his findings, discredited his work and proved his disregard of the ninth commandment, the basis of all business, in manufacturing an assortment of data which be published as facts to fit and substantiate his theories and opinions. That was before he had openly antagonized the President by publishing a diatribe upon a question that the President had taken out of his authority and placed in other hands. That was before he had openly showed his disloyalty to the Secretary of Agriculture by refusing, as a member of the Board of Food and Drug Inspection, appointed by Secretary Wilson, to act *for him*, to attach his signature to a document approved by Secretary Wilson, which document was no other than one carrying out the will of the President in reference to a question referred by the President to the Board of Consulting Experts. This was before he carried his fight against the President and Secretary Wilson to Congress, in an attempt to squash the Referee Board as illegally authorized and to withdraw the appropriation for their maintenance, and in which attempt he met with a disastrous defeat.

All this would be discomforting to most chemists and most people. It may be so to Dr. Wiley. "The Journal of Commerce," however is mistaken in the idea that Dr. Wiley *could* be made so uncomfortable as to cause him to resign, or offer to resign. There is but one "argument" that he would understand.

#### DECEMBER BULLETIN OF THE PENNSYLVANIA DAIRY AND FOOD DEPARTMENT.

This bulletin contains articles by Charles H. Lewall, Ph. D., on "The Retail Grocer as a Factor in the Education of the Public," and by F. F. Aschman, Ph. B. P. D., on "The Pennsylvania Vinegar Law," also several editorials lauding Dr. Wiley of the United States Department of Agriculture. "We office holders must stick mit one anoder yet."

#### ANOTHER JOLT.

On last Wednesday, Feb. 10th, the House of Representatives by a decisive vote defeated Congressman Lever's proposition to make Dr. Wiley's determination final in food matters. The House also by a substantial vote sustained the appointment of the Referee Board, and declined to order a discontinuance of its work. "The toboggan is getting to be very slippery."

#### MISREPRESENTING THE NATIONAL ASSOCIATION.

January 28 a committee headed by R. M. Allen, claiming to represent the Association of State Dairy and Food Departments, called on President Roosevelt and presented a resolution expressing the state food control official's appreciation of the strong support the President has always given the efforts for a "square deal" between the trade and the consumer in the sale of food and dairy products. Of course, the committee was not authorized by the association and misrepresented the association in pretending to speak for it. Judging from the personnel of the committee it had ulterior and less laudible objects than the fawning and featureless resolution presented.

#### NEW CASES OF FOOT-AND-MOUTH DISEASE.

New cases of foot-and-mouth disease have been discovered in Delaware County, Pa., a few miles out from Philadelphia, in a shipment of calves from Baltimore. Of the 25 brought into the Baltimore yards and shipped to Pennsylvania on the 8th, 3 were found to be diseased soon after their arrival. The lot was made up of 7 shipments from various points in Virginia, West Virginia, and Ohio. All the animals were promptly slaughtered and buried. The Department of Agriculture has dispatched inspectors to all of the points from which the calves were originally shipped to learn if any trace of the disease exists at any of them.

#### NO WONDER THE MACHINE BUSTED.

The Wiley machine has been forced to work overtime of late. It interviewed President-elect Taft in Cincinnati to knock Secretary Wilson. A few weeks later was called upon to implore President Roosevelt to retain Wiley, after his reputation had been shattered by the decision of the referee board, and lastly comes the same five men misrepresenting the Association of State and National Food and Dairy Departments and their annex (three favored manufacturers) to furnish public opinion to Congressman Lever to hold up the appropriation of the referee board of consulting scientific chemists. What next?

#### WELCOME TO OUR ARGUMENTS.

Mr. Lever, who presented Dr. Wiley's sad case before Congress is trying to get even with the referee board by cutting off the appropriation for its maintenance on the ground that the pure food law does not authorize the formation of such a board. At that, he is partly correct. The ludicrous feature is the fact that the arguments used are the very ones we advanced against the standards committee and their standards which Dr. Wiley successfully foisted on the food law.

#### DR. WILEY'S NEW JOB.

Announcement was made about Jan. 27th in the Chicago daily papers by the Pierce Publishing Co., publishers of "What To Eat," that Dr. Harvey W. Wiley would soon assume the duties of editor in chief of that magazine and would reside in Chicago. Dr. Wiley is thoroughly conversant with newspaper work and he could find no more congenial atmosphere than that arising from this magazine. Dr. Wiley has, however, denied the report.



## FOOD NOTES

A faddist convinced against his will is of the same opinion still.

Oklahoma dairymen are demanding that the dairy work be taken from the food commissioner and placed under the supervision of the State Board of Agriculture.

Andrew French, State Dairy and Food Commissioner of Minnesota, has prepared a bill for the compulsory pasteurization of both cream and whey which will soon be introduced in the Minnesota legislature.

Kansas has passed a pure food measure fixing a standard for foods, drugs and compounds sold in the state, being the first bill to receive the signature of the Governor during the present session of the legislature.

Congress may be "agin" the President, but Dr. Wiley could not utilize that opposition to the extent of eliminating the Referee Board. The only thing left for Dr. Wiley to do is to make his opinions and experiments harmonize with science, if possible.

Representative Jones of Bucksport, Maine, has offered the following resolution in the legislature:

"Ordered, That the Committee on Manufactures investigate the use of Benzoate of Soda and other preservatives in food products and report by bill or otherwise."

The biennial report of Ex-Assistant Food Commissioner J. W. Johnson of Nebraska has just been issued. Three thousand seven hundred and fifty-seven samples were analyzed; 891 violations of the law are reported, 345 of which were disposed of and 546 are still pending; \$17,313.57 was paid out in salary and expenses and \$8,087.36 received in fines and license fees.

The New York Journal of Commerce, which prints the unofficial rulings of the Bureau of Chemistry before any other newspaper and which is always an apologist for Dr. Wiley, says before the decision on the referee board on benzoate of soda that concerted action was on foot to present continuous complaints against Dr. Wiley and make it so uncomfortable that he would resign even if he should not be forced out. It is, of course, not true as was said that office holders seldom die and never resign, but if Dr. Wiley resigns, even so good an authority as the Journal of Commerce to the contrary, it will be by virtue of the big stick and not because of injured feelings.

### AUTHORITIES ON THE SUBJECT

Heinz Co. claims that preservatives are added to foods to cover uncleanly methods of manufacture and they ought to know, for until two years ago all goods put up by that house were doped with preservatives usually with the one generally believed to be the most harmful, salicylic acid. They now claim to use only one approved by Dr. Wiley. By all means Pennsylvania should push that sanitary bill or move Pittsburg into another state.

### ILLINOIS STATE BULLETIN NO. 13

#### Old Goods Cause Prosecution

All foods are perishable. They should not be kept for an unreasonable time before being sold. The manufacturer should guarantee foods only for a reasonable time. A new law has been enacted. Many foods that were legal under the old law are illegal under the new law. Many goods that were not misbranded under the old law are misbranded under the new law. Consideration of these facts shows that you should immediately—

1. Go through your entire stock and take proper measure to dispose of all old foods.
2. Never order more goods of one kind than you can dispose of in a reasonable time.
3. Never place new goods in front of old ones.
4. Always dispose of old goods first.

The fact that foods have been in your stock a long time is no excuse if they are found to be illegal, but is an additional reason why you should be prosecuted.

Clean up your stock. If you have any doubts about a food being legal, write to the person whose name appears on the package, inclosing a copy of the entire label and stating when it was purchased.

Copies of the law may be obtained on application to this office.

A. H. JONES, State Food Commissioner.

### ILLINOIS BULLETIN NO. 14.

#### Guarantees Which do not Protect.

Section 31 of the Illinois Food Act, July 1, 1907, provides for protection by means of a guarantee against prosecution by the state. Hearings at this office have shown that this matter is not understood by many of the manufacturers and retailers. We wish to call attention to the following facts.

A guarantee under the Food and Drugs Act, June 30, 1906, protects against prosecution by the federal government, but does not protect against prosecution by the state. To afford protection against prosecution by the state, the guarantee must be that the goods are not adulterated or misbranded within the meaning of the Illinois Food Act, July 1, 1907.

A failure to comply with any of the eight following provisions of the law renders the guarantee null and void as a protection against prosecution by the state:

1. The act under which the food is guaranteed must be designated (Illinois Food Act, July 1, 1907).
2. The guarantee must be signed by the guarantor.
3. The guarantee must contain the address of the guarantor.
4. The guarantor must reside in the state.
5. The food must be sold in the original unbroken package in which it was received.
6. The guarantee must be established at the preliminary hearing and the guarantor shall be amenable to fines, etc.
7. The dealer shall not sell the goods after notice by the state food commissioner that they are adulterated or misbranded.
8. The dealer shall preserve and deliver to the guarantor on demand the sample left with him by the inspector.

A dealer who does not take the trouble to secure a proper guarantee can not hope to show that he has been acting in good faith with his customers.

A. H. JONES, State Food Commissioner.



# New Syrup Law for Wyoming.

Introduced by Mr. Atherly.

S. F. No. 7. (As amended by House and concurred in by Senate February 9, 1909, and approved by Governor February 13, 1909.)

## A BILL

For

An act to regulate the sale of syrup, molasses, glucose (corn syrup) mixtures and maple syrup mixtures, and to protect the public health, and providing a penalty for the violation of the act. January 15th. Introduced, read for the first time, referred to Committee No. 17, Sanitary and Medical Affairs.

*Be it enacted by the Legislature of the State of Wyoming:*

Sec. 1. No person, firm or corporation, by himself, officer, servant or agent, or as the officer, servant or agent of any other person, firm or corporation, shall sell, offer or expose for sale or have in his possession with intent to sell, any syrup, maple syrup, sugar-cane syrup, sugar syrup, refiners' syrup, sorghum syrup, molasses or glucose (corn syrup), unless the same be true to name under which it is sold, and unless the barrel, cask, keg, can, pail or other original container containing the same be distinctly branded or labeled with the true name of its contents; and no person, firm or corporation, by himself, officer, servant or agent, or as the officer, servant or agent of any other person, firm or corporation, shall sell, offer or expose for sale or have in his possession with intent to sell any syrup, maple syrup, sugar-cane syrup, sugar syrup, refiners' syrup, sorghum syrup or molasses, mixed with glucose (corn syrup), unless the barrel, cask, keg, can, pail or other original container, containing the same, be distinctly branded or labeled so as to plainly show the true name of each and all of the ingredients composing such mixture, as follows:

First. In case said mixture shall contain glucose (corn syrup), in a proportion not to exceed 50 per cent by weight, it shall be labeled and sold as "Maple Syrup and Corn Syrup," "Sugar-Cane Syrup and Corn Syrup," "Sugar Syrup and Corn Syrup," "Refiners' Syrup and Corn Syrup," "Sorghum Syrup and Corn Syrup," or "Sorghum and Corn Syrup," or "Molasses and Corn Syrup," as the case may be.

Second. In case said mixture shall contain glucose (corn syrup), in a proportion exceeding 50 per cent and not more than 75 per cent by weight, it shall be labeled and sold as "Corn Syrup and Maple Syrup," "Corn Syrup and Sugar-Cane Syrup," "Corn Syrup and Sugar Syrup," "Corn Syrup and Refiners' Syrup," "Corn Syrup and Sorghum Syrup," or "Corn Syrup and Sorghum," or "Corn Syrup and Molasses," as the case may be.

Third. In case said mixture shall contain glucose (corn syrup), in a proportion exceeding 75 per cent by weight, it shall be labeled and sold as "Corn Syrup flavored with Maple Syrup," "Corn Syrup flavored with Sugar Cane Syrup," "Corn Syrup flavored with Sugar Syrup," "Corn Syrup flavored with Refiners' Syrup," "Corn Syrup with Cane Flavor," "Corn Syrup flavored with Sorghum Syrup," or "Corn Syrup with Sorghum Flavor," "Corn Syrup flavored with Molasses," or "Corn Syrup with Molasses Flavor," as the case may be. The labels provided for in this section shall be printed in type not smaller than eight-point brevier caps and shall bear the name and address of the manufacturer or dealer. In mixtures in which glucose (corn syrup) shall be mixed with any syrup or molasses in the proportion of not more than 50 per cent by weight of the total product, the words "corn syrup" shall be printed in type of the same size and style and the same color as may be used in printing the name of any syrup or molasses with which the glucose (corn syrup) may be mixed, and said mixture shall be so labeled and sold. In mixtures in which glucose (corn syrup) shall be mixed with any syrup or molasses in the proportion of not more than 75 per cent and not less than 50 per cent by weight, the words "Corn Syrup" shall be printed in the same color and in type of the same style and size as may be used in the printing of the name of any syrup or molasses with

which it may be mixed, and such mixture shall be so labeled and sold. In all mixtures in which glucose (corn syrup) is used in the proportion of more than 75 per cent by weight, the name of the syrup or molasses which is mixed with the glucose (corn syrup) for flavoring purposes and the words showing that said syrup or molasses is used as a flavoring, as provided in this section, shall be printed on the label of each container of such mixture in the same color and in the same style of type but not larger than the type used in printing the name "corn syrup." The mixture of syrups designated in this section shall have no other designation or brand than herein required that represents or is the name of any article which contains a saccharine substance; and all brands or labels required shall be an inseparable part of the general or distinguishing label, and the general or distinguishing label shall be the principal and conspicuous sign under which it is sold; nor shall any of the aforesaid glucose (corn syrup), syrups, molasses or mixtures contain any substance injurious to health, nor any other article or substance otherwise prohibited by law in articles of food.

Section 2. No person, firm or corporation, by himself, officer, servant or agent, or as the officer, servant or agent of any other person, firm or corporation, shall solicit or take orders for delivery, or sell, exchange, deliver or have in possession with intent to sell, exchange or expose, or offer for sale or exchange, any maple syrup mixed with sugar-cane syrup, sugar syrup, refiners' syrup, sorghum syrup or molasses, unless the same be labeled and sold so as to show the true name of each and all of the ingredients contained therein and unless each barrel, cask, keg, can, pail or other original container, containing the same, be distinctly branded or labeled and sold so as to plainly show the true name of each and all of the ingredients composing such mixtures, as follows:

First. If said mixture shall contain 50 per cent or more by weight of maple syrup, it shall be labeled and sold as "Maple Syrup and Sugar-Cane Syrup," "Maple Syrup and Sugar Syrup," "Maple Syrup and Refiners' Syrup," "Maple Syrup and Sorghum Syrup," or "Maple Syrup and Sorghum," or "Maple Syrup and Molasses," as the case may be.

Second. If said mixture shall contain not less than 25 per cent, nor more than 49 per cent by weight, of maple syrup, it shall be labeled and sold as "Sugar-Cane Syrup and Maple Syrup," "Sugar Syrup and Maple Syrup," "Refiners' Syrup and Maple Syrup," "Sorghum Syrup and Maple Syrup," or "Maple Syrup and Sorghum," or "Molasses and Maple Syrup" as the case may be.

Third. If said mixture shall contain less than 25 per cent, by weight, of maple syrup, it shall be labeled and sold as "Sugar-Cane Syrup flavored with Maple Syrup," "Sugar Syrup flavored with Maple Syrup," "Refiners' Syrup flavored with Maple Syrup," "Sorghum Syrup flavored with Maple Syrup," or "Sorghum flavored with Maple Syrup," or "Molasses flavored with Maple Syrup" as the case may be.

All labels provided for in this section shall be printed in English, in type not smaller than eight-point brevier caps and shall bear the name and address of the manufacturer or dealer. In mixtures in which maple syrup shall be mixed with molasses or any or either of the syrups designated in this section in the proportion of not less than 50 per cent by weight of the total product, the word "maple" shall be printed



in type of the same size and style and in the same color as may be used in the printing of the name of any other syrup or molasses with which the maple syrup may be mixed, and said mixture shall be so labeled and sold. In mixtures in which maple syrup shall be mixed with molasses or any or either of the syrups designated in this section, in the proportion of not less than 25 per cent and not more than 49 per cent by weight of the total product, the word "Maple" shall be printed in the same color, and in type of the same style and size as the letters which may be used in the printing of the name of any syrup or molasses with which maple syrup may be mixed, and such mixture shall be so labeled and sold. In all cases in which maple syrup shall be mixed with any of the syrups designated in this section, in the proportion of less than 25 per cent by weight of the total product, the word "Maple" and the words showing it to be used as a flavor, as provided in this section, shall be printed on the label of each container of such mixture in the same color and in the same size and style of type. The mixture or syrups designated in this section shall have no other designation or brand than herein required that represents or is the name of any article which contains a saccharine substance; and all brands or labels required shall be an inseparable part of the general or distinguishing label, and the general or distinguishing label shall be the principal and conspicuous sign under which it is sold; nor shall any of the aforesaid glucose (corn syrup), syrups, molasses or mixtures contain any substance injurious to health, nor any other article or substance otherwise prohibited by law in articles of food.

Section 3. Whoever shall do any of the acts or things prohibited, or neglect, or refuse, to do any of the acts or things required by this act, or in any way violate any of the provisions of this act, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than two hundred dollars.

Section 4. This act shall take effect and be in force from and after April 1, 1909.

## COURT CONSTRUCTION OF IOWA FOOD LAW

### Sections of the Iowa Food Law Referred To by the Court. ■ 4999 a20.

Sec. 6. No person, firm or corporation, by himself, officer, servant or agent, or as the officer, servant or agent of any other person, firm or corporation shall manufacture or introduce into the state or solicit or take orders for delivery, or sell, exchange, deliver or have in his possession with the intent to sell, exchange or expose or offer for sale or exchange, any article of food which is adulterated or misbranded, within the meaning of this act. Provided that none of the penalties set forth in this act shall be imposed upon any common carrier for introducing into the state, or having in its possession, any adulterated or misbranded articles of food, where the same were received by said carrier for transportation in the ordinary course of its business and without actual knowledge of the adulteration or misbranding thereof. Provided, that any manufacturer, wholesaler or jobber may keep goods specifically set apart in his stock for sale in other states, which might otherwise be in violation of the provisions of this act.

### 4999 a22.

Sec. 8. For the purpose of this act, an article of food shall be deemed to be adulterated:

First. If any substance or substances has or have been mixed and packed with it so as to reduce or lower or injuriously affect its quality, strength or purity.

Second. If any substance or substances has or have been substituted wholly or in part for the article.

Third. If any valuable constituent of the article has been wholly or in part abstracted.

Fourth. If it be an imitation of, or offered for sale, under the specific name of another article, or if it does not conform to the standards established by law.

Fifth. If it be mixed, colored, powdered or stained, in a manner whereby damage or inferiority is concealed.

Sixth. If it contains any added poisonous ingredient, or any ingredient which may render such article injurious to health, or if it contains saccharine or formaldehyde.

Seventh. If it be labeled or branded so as to deceive, or mislead the purchaser, or purport to be a foreign product when not so.

Eighth. If it consist of the whole or any part of a diseased, filthy, decomposed or putrid animal or vegetable substance or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal or one that has died otherwise than by slaughter; provided, that an article of food which does not contain any added poisonous

or deleterious ingredient shall not be deemed to be adulterated in the following cases:

1. In the case of mixture or compounds which may be now or from time to time hereafter known as articles of food under their own distinctive names and not included in definition fourth of this section; provided, that candies and chocolates shall be deemed to be adulterated if they contain terra alba, barytes, talc, chrome yellow, or other mineral substances, or poisonous colors or flavors, or other ingredients deleterious or detrimental to health; provided, that vinegar shall be deemed to be adulterated if it contains any added coloring matter; provided, that in case of baking powders, each can or package shall be plainly labeled so as to show the name of each and every ingredient contained therein.

Court: The information in this case was undoubtedly drawn under section 4999 a22, of the supplement to the code, and not under section 4999 a21 of the supplement, as there is no charge in the information that the article was misbranded. The term "misbranded" being defined in the section referred to as 4999 a21 and section 4999 a20, making it unlawful to misbrand a compound of this character, so if the defendant is guilty of the offense charged he must be held guilty under section 4999 a22. It is claimed he is guilty of the offense charged for the reason that the articles sold were not labeled, branded or tagged, so as to show the exact character and the name and quantity and proportion of each of the constituent parts thereof. The evidence shows that the prosecuting witness went to the defendant and asked the defendant for Boar's Head Brand Compound; that the article purchased was taken from a bucket or can upon which appears a large label bearing these words and the additional words, "Composed of cotton seed oil and oleo stearine," immediately under the name, and this can also contains another label which reads, "This compound is composed of the following ingredients and none other: Cotton seed oil and oleo stearine." There can be no question in this case but what the prosecuting witness got just what he asked for, and I think there is no question but what he knew what he was getting. There is no claim made here that this was sold as a substitute for lard. If it had been sold as a substitute for lard we would have a very different question. There is no misrepresentation by the seller either verbally or by the receptacle in which the article was contained. The sole question for the court to decide is whether when a purchaser, knowing exactly what he is getting and seeing it taken from a can labeled with the name of the article that he asks for and the can has in large letters in two places a statement of what composes the article, whether the seller can be said to violate the law first because in passing the article to the purchaser he places it in another receptacle and lets him carry it away in a receptacle which is not marked, and second, whether under the law it is necessary to put on the original package the specific proportions of the ingredients in the article. As to the first it seems to me if the seller produces the original package and the buyer sees it, as the testimony here shows he did see it, and then in the presence of the buyer the article is taken from the original package and wrapped up in something else, that there could not be a violation if the buyer is buying just what is called for and he sees what the article is and what it is made of. As to the second question there is more doubt, but it seems to me that if you read section 4999 a22 from beginning to end that it is very doubtful whether the construction asked for by the state is correct because in reading this section we find that for the purposes of this act an article of food shall be deemed to be adulterated if it be an imitation of or offered for sale under



the specific name of another article, or if it does not conform to the standards established by law, if it consists in whole or in part of a diseased, filthy, decomposed or putrid animal or vegetable substance or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal or one that has died otherwise than by slaughter; provided, that an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated in the following cases. Then it sets out two cases. First, in the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food under their own distinctive names and not included in definition fourth of this section. Then there are some exceptions to that. And second, in the case of articles labeled, branded or tagged so as to plainly indicate that they are mixtures, compounds, combinations, imitations or blends, provided that the same shall be labeled, branded or tagged, so as to show the exact character and the name and quantity or proportion of each constituent thereof; and provided further, that nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome ingredient to disclose their trade formulas, except in so far as the provisions of this act may require to secure freedom from adulteration or imitation. It would seem to me that the last part of that might and does apply to this case. That this is in the nature of a proprietary article of a given name and sold as that article. It is true that other men may manufacture the same compound or same product, but there is no claim here that these ingredients are unwholesome, and if a purchaser knows exactly what he is buying it seems to me the law does not intend to say he shall know the exact proportion of each article, that is, where it is manufactured by a private concern by their own formula. This case is a very different case from a case where an article of this kind was sold say for lard. If this case was a violation by the sale of an article, say this compound, for lard, there would be a question for the jury unquestionably. It seems to me that there must be violations of this law because it is new and people have not been educated to observe it fully, but if you are going to make a test case of the law or any part of the law it would seem to me that we ought to have a case where the questions can be presented in such way there can be no question of the guilt of the defendant under the law as interpreted by the court. I believe under the facts in this case that a verdict should be directed for the defendant, and a verdict will be so directed.

Plaintiff excepts.

#### **CERTIFIED COLORS NOW ON THE MARKET.**

When Food Inspection Decision 76 was issued allowing the use when certified of seven coal tar colors it was supposed there would be no difficulty in placing these colors on the market. On investigation, however, it was found that no colors sailing under these names could meet the tests of purity and composition laid down by the government. H. Kohnstamm & Co., however, have now succeeded in producing certified colors and will be ready to place them on the market in a very short time. We refer interested readers to their advertisement in this issue.

#### **SENSATIONAL VERSES SCIENTIFIC TREATMENT**

Evidently the authorities called upon the various departments of the University of Kansas to make a showing of the work being done in the departments for publication in their catalogues and bulletins. Prof. E. H. S. Bailey therefore reports on the food work and Prof. L. E. Sayre on the drug investigations. By reference to these reports the reader will notice the difference between the straightforward statement of facts of Prof. Sayre and the academical, colored, indefinite and even misleading statement of Prof. Bailey. The statements of Prof. Bailey seem to be borrowed from the reports of a politically appointed state food commissioner in the first term of his office rather than the careful, thoroughly qualified, and experienced professor of chemistry and analyst, we and thousands of his pupils know Prof. Bailey to be.

Kansas of course needed a food law long before one was passed in that state and needs now a better one than she possesses. Unquestionably certain frauds in the sale of food, as the sale of mixtures of cane and maple syrup for maple syrup, colored distilled for cider vinegar and substitute vanilla extracts for the genuine, were more or less common in Kansas. They may be more or less common now from anything we may find in this report. The only definite statement in the report is that 58 per cent of samples analyzed within the last year and a half were illegal. Hamberger steak, apple butter and catsup were preserved, extracts contained coal tar colors, and soft drinks were sweetened with saccharin made from coal tar, etc., from which we might infer that food conditions were infinitely worse since than before the law was passed both as to percentage and kind of adulteration. Before the law was passed foods were only misbranded as per horrible example: since the law was passed foods contained preservatives and coal tar colors and "coal tar" saccharin, all of which were inferentially injurious to health. If Prof. Bailey were writing on another subject we venture to say he would have stated as did his colleague the facilities for the work, the number and kinds of samples taken and analyzed, a reference to the itemized result of the analyses, the general conclusions reached and recommendations for future work.

#### **Contributions of the Food and Drug Laboratories of the University to the Work of the State Board of Health.**

That the University is taking an active part in the development of the state and in attention to the comfort and health of the people, is evident when we inspect the investigational work connected with food and drugs, resulting from the application of the food and drugs law, in the Chemistry and Pharmacy building.

Devoted to analysis of foods one finds a large, well-lighted room, fitted up with all the modern apparatus especially needed for the work. On shelves in the laboratory, and packed away in the cupboards, are the samples as they are sent in by the food inspectors of the Board of Health. There are three samples of each food sent, and these are sealed with the special seal of the secretary of the Board of Health. At the present time Professor Jackson is busy with the examination of sirups, vinegars and extracts. Previous to the enactment of the pure food and drugs law the



state was overrun with a great variety of frauds in all these lines. The common foods in use were not so often injurious to health as they were a fraud on the consumer from being misbranded. Enterprising manufacturers for years have been putting up a sugar sirup, flavored with an extract of various barks, and selling it as *absolutely* pure maple sirup. An article labeled pure cider vinegar was, in fact, a distilled vinegar, colored. This, although wholesome enough, was a cheaper product than cider vinegar, and consequently the consumer was defrauded. The extracts of lemon and vanilla were colored and flavored to somewhat resemble the genuine article, but were, after all, little better than dilute alcohol, flavored and colored to resemble the genuine article.

In this laboratory there are to be seen long rows of canned goods, jams, jellies, baking-powders, pickles, olive oils, candy, chocolate, cider and various soft drinks awaiting analysis. If the foods are found to be adulterated or misbranded, immediate notice is sent to the secretary of the State Board of Health, and proceedings against the manufacturer or dealer are instituted by the county attorney in the district where the material has been purchased. As this kind of analysis has been going on for more than three years we have a chance to see the great improvement that has been made in food. By looking over the cards showing the analyses made within the last year and a half, we see that thirty-two different kinds of foods and beverages, and many different samples of most of them, have been examined. Fifty-eight per cent of the samples analyzed were found to be illegal. Some of the reasons why these foods were condemned are as follows:

The apple butter and catsup contained preservatives; beer was falsely labeled as to the amount of alcohol contained; extracts were artificial, containing coal tar colors; "Hamburg steak" was "preserved" and colored, in order to make it look like fresh material, by the use of sulphites; soft drinks were sweetened with saccharin, made from coal tar, etc. It is therefore evident that there is still need for inspectors and analysts.

In another room in the same building, across the hall, and also on the floor above, are the rooms devoted to the work of the state water survey. The department of chemistry has carried on the work during the past two years in connection with the United States Geological Survey, which organization attended to the collection of samples. The waters of the chief rivers of the state have been analyzed, daily samples being taken for this purpose. These analyses, which will be published shortly, will show what the rivers are carrying out of the state, both in solution and as suspended mud.

As water works are being installed and the older systems extended in the various cities, there is a constant demand upon this laboratory for the analysis of the proposed supply, so as to secure the best water available.

This laboratory also assists the Board of Health in tracing the cause of various epidemics, such as typhoid fever, in the larger cities, and numerous analyses of well water have been made. It is proposed to extend the work to a more complete examination of the industrial waste that is carried off by the streams, and also to study the problem of purification of water supply for city use.

E. H. S. BAILEY.

#### Laboratory Work.

The laboratory for drug analysis devoted to State Board of Health work is located on the first floor of the northeast corner of the Chemistry and Pharmacy building, under the direction of the dean of the department. Mr. Floyd Tilford acts as drug inspector, under direction of Dr. S. J. Crumbine, chief food and drug inspector, capitol building, Topeka.

To give some idea of the work thus far accomplished under this portion of the food and drugs law, a summary of the work effected is here given.

Specimens of drugs and preparations have been collected and analyzed from 107 different towns and cities in the state. They have been visited by the drug inspector and analyses of various drugs and preparations collected from them, amounting in the aggregate to about 1,000 different articles, and including about 140 varieties of medicinal articles.

The work of the food inspection in connection with the food laboratory has covered a much wider range than this, owing to the fact that there have been three food inspectors in the state, while there has been but one drug inspector. The monthly bulletins of the State Board of Health have given the best resumé of the work that has been accomplished in both laboratories.

In connection with this work, one of the problems that confronted the officers charged with the enforcement of the food and drugs law, immediately after its passage, was how to bring its provisions quickly before the manufacturers, merchants and dealers of the state. It was evident that this ought to be done in such a way as to produce the least friction and secure the greatest harmony.

To bring this about the chief food and drug inspector, Doctor Crumbine, with the directors of the laboratories, made arrangements to visit the business centers of the state, and public meetings were held with the jobbers, manufacturers, wholesalers and retailers who were interested in foods and drugs. The principal cities of the state have thus been visited and a thorough campaign of instruction has been conducted. The result has been that it has very materially assisted the work of inspection and made the application of the law effective almost from the beginning.

January 20, 1909.

L. E. SAYRE.

#### WHO PAYS THE FREIGHT.

It might be interesting to the people of the various commonwealths who are being misrepresented by the members of Wiley's machine to know who pays for the various junkets to endorse Wiley. Are those honorable members of the machine digging down into their jeans? Yes? No!

#### INTERNATIONAL CONGRESS OF APPLIED CHEMISTRY.

The International Congress of Applied Chemistry will meet in London in the week of May 27th to June 2d, 1909. In the past Paris, Berlin, Vienna and Rome have enjoyed the honor of entertaining this most distinguished body of scientists.

All who desire to attend the Congress should communicate with Dr. Chas. Baskerville, of the College of the City of New York, or Dr. Maximilian Toch, 320 Fifth avenue, New York City, as these two gentlemen constitute the committee on steamship rates and hotel accommodations.

An invitation is to be extended to hold the next meeting (spring, 1912) in New York City.



(Continued from page 14.)

5. Doctor Dunlap prepares all letters for the consideration of the board, where, in his opinion, imported foods and drugs should be released at the ports. These letters are afterwards submitted to the Secretary of Agriculture for his consideration and approval.

6. He handles personally considerable correspondence on food and drug matters affecting the interpretation of the act; these letters go to the chiefs of the food laboratories. He also handles largely the correspondence coming to Washington on questions affecting imports, where such letters are sent by importers or other interested parties.

7. He considers, as a member of the board, all recommendations to the Secretary of Agriculture for seizures under section 10 of the act.

8. All the evidence in cases of adulterated or misbranded foods, when the cases are complete, is considered by him, as a member of the board, and, after an expression of opinion as to the proper action to take, the cases are passed to the other members of the board for their vote.

9. He has also given a portion of his time to the preparation of briefs on various subjects, at the request of the Secretary of Agriculture and the President (corn sirup, bleached flour, etc.), and also in briefing chemical data on questions under the food and drugs act, which have been submitted to the Attorney General.

10. All cases, before citations are issued for hearings under section 4 of the act, pass through his hands, and it is left to him to decide when citations are to be issued.

11. Part of his time is given over to consultation with those who come to inquire on points of labeling, or on any other points where advice might be given or asked concerning the food and drugs act.

I trust this will give you the information you desire, but if there is anything further, I should be glad to furnish it upon your request.

Very sincerely,

JAMES WILSON, Secretary.

January 13, 1909.

Hon. Charles F. Scott,

Chairman Committee on Agriculture,

House of Representatives.

Dear Sir: On February 20, 1908, I appointed five men consulting scientific experts of this department, and on February 24, 1908, I organized them into a board called the "referee board."

I appointed these men under a provision in the agricultural appropriation bill which authorizes me to employ such assistance as I may consider necessary to secure the enforcement of the pure-food law.

I organized them into a board under authority of section 161 of the Revised Statutes, which authorizes the head of each department to prescribe regulation not inconsistent with law for the government of his department. Section 161 reads:

"The head of each department is authorized to prescribe regulations not inconsistent with law for the government of his department, the conduct of its officers and clerks, the distribution and performance of its business, and the custody, use, and preservation of the records, papers and property appertaining to it."

The men so appointed are Dr. Ira Remsen, president of Johns Hopkins University; Dr. Russell H. Chittenden, of Yale; Dr. John H. Long, of the Northwestern University; Dr. Alonzo E. Taylor, of the University of California; and Dr. C. A. Herter, of New York. Their duties are to determine the wholesomeness or deleterious character of such foods or articles used in foods as I may refer to them for such determination.

The law says to me that foods which are deleterious in themselves or which contain deleterious substances shall not be shipped in interstate commerce. It should be remembered that the pure food law and the appropriation act speak to the Secretary of Agriculture. Examinations of samples are to be made by the Bureau of Chemistry, but the enforcement of the law is with me. It is necessary for me to know definitely whether certain articles are deleterious or not, and where there is grave conflict of scientific opinion on the question. I refer the subject to this board.

I have referred three subjects—benzoate of soda, sulphur dioxide, and saccharine. No reports have been received by me from the referee board on these subjects, but I am expecting a report on benzoate of soda and on saccharine about March 1, next. The members of the board are paid \$25 a day for each day they are actually employed, and so far they have received in salary a total of \$4,703.04, and the expenses of the

investigations conducted by them on the subjects of benzoate of soda and saccharine have been \$27,119.84.

The referee board was appointed because certain large manufacturers of foodstuffs asked thorough investigation by the most distinguished scientists in the land. They asked the President to select a number of disinterested scientific men competent to pass upon the question, and stated that if these men found that sulphur dioxide, saccharine, and benzoate of soda were harmful, they would, of course, immediately discontinue their use. The President corresponded with the presidents of a number of the leading universities of the country, who suggested certain names to him, from which he made the selection of the five men I have heretofore named, and these men were appointed by me and organized into a board, as stated.

It will be remembered that when the pure food law was under discussion before a committee of the House, the view was expressed that the Secretary of Agriculture should be allowed a free hand in selecting experts of renown on questions of the wholesomeness of certain foods and articles used in foods, and this had always been my position. Apparently, it was indorsed by the Congress when they included the item in the agricultural appropriation bill giving me authority to employ such persons as I considered necessary for the enforcement of the law, and I have used the discretion confided in me by Congress.

I may say that it is my personal opinion that it is necessary to have the opinion of five eminent, disinterested experts as to the wholesomeness or unwholesomeness of benzoate of soda, saccharine, and sulphur dioxide.

#### BOARD OF FOOD AND DRUG INSPECTION.

When the department started in to enforce the pure food law, I was looking to the Chief of the Bureau of Chemistry to handle the administrative details and the chemical end of the work, and to the department solicitor to handle the legal work, and to these two officials jointly to report to me on such details as required my personal action, such as the exclusion of adulterated and misbranded foods or drugs offered for import, advice as to prosecutions, etc.

I soon discovered that we were needing another chemist to devote his whole time to the work of enforcing the law. The Chief of the Bureau of Chemistry has many other duties in addition to his duties under the pure food law. The questions to be considered are important, and the decisions are more generally accepted when they are not a one-man product.

To get this additional man, the presidents of some of the leading universities in the country were consulted, and finally Dr. F. L. Dunlap of the University of Michigan, was appointed upon the strong recommendation of President Angell. Doctor Dunlap was appointed under the authority conferred upon me in the agricultural appropriation act.

Coincident with Doctor Dunlap's appointment, under authority of section 161, Revised Statutes, I organized the Board of Food and Drug Inspection, consisting of the Chief of the Bureau of Chemistry as chairman, Dr. F. L. Dunlap, and Mr. George P. McCabe. This board acts for me. This board advises me on matters concerning which the pure food law says I must make a decision. It in no way interferes with the duty assigned by the pure food law to the Bureau of Chemistry. This duty is the examination of samples and this is the sole duty imposed upon the Bureau of Chemistry by the food and drugs act. This duty that bureau now performs.

I inclose a statement, showing in detail the expense of the referee board from February 20 to December 31, 1908, inclusive.

Very truly yours,

JAMES WILSON, Secretary.

#### GENERAL ORDER NO. 111.

United States Department of Agriculture,

Office of the Secretary,

Washington, D. C., April 25, 1907.

There is hereby created in the Department of Agriculture a board of food and drug inspection. The members of the board will be Dr. Harvey W. Wiley, Chief Bureau of Chemistry, chairman; Dr. Frederick L. Dunlap, associate chemist, Bureau of Chemistry; and Mr. George P. McCabe, Solicitor of the Department of Agriculture. The board will consider all questions arising in the enforcement of the food and drugs act of June 30, 1906, upon which the decision of the Secretary of Agriculture is necessary, and will report its findings to the Secretary for his consideration and decision. All correspondence involving interpretations of the law and questions arising under the law not theretofore passed upon by the Secretary of Agriculture shall be considered by the board. The board is directed to hold frequent meetings at stated times



in order that findings may be reported promptly.

In addition to the above duties, the board of food and drug inspection shall conduct all hearings based upon alleged violation of the food and drugs act of June 30, 1906, as provided by regulation 5 of the rules and regulations for the enforcement of the food and drugs act, approved October 17, 1906.

JAMES WILSON,  
Secretary of Agriculture.

United States Department of Agriculture,  
Washington, D. C., April 25, 1907.

Mr. Frederick L. Dunlap, of the State of Michigan, is hereby appointed associate chemist of the Bureau of Chemistry and a member of the Board of Food and Drug Inspection in the United States Department of Agriculture, at a salary at the rate of \$3,500 per annum, on the miscellaneous roll paid from the fund appropriated for the "Enforcement of the food and drugs act, 1907."

The above named appointee is hereby required to take the oath of office immediately and file the same, together with a statement of legal and actual residence and personal record, with the appointment clerk in the Department of Agriculture, and report for duty in person to the Secretary of Agriculture, and be subject to the rules and orders of the Secretary of Agriculture. This appointment shall take effect on the appointee taking the oath of office and reporting for duty.

JAMES WILSON,  
Secretary of Agriculture.

A true duplicate copy.

R. W. ROBERTS,  
Acting Appointment Clerk,  
United States Department of Agriculture.

#### **LATIN-AMERICAN HYGIENIC EXPOSITION IN BRAZIL.**

Consul-General George E. Anderson sends the following account of the Fourth Latin-American Medical Congress, which is to be held in the Brazilian capital from August 1 to 8, 1909:

"It is expected that while the set program of this international congress will cover only about a week, its actual activities, social and otherwise, will run over about two months. It has been planned, therefore, that there be held during this period an international exposition of sanitary appliances, medical foods and drugs, models of sanitary establishments, and, in short, all articles connected reasonably with medicine and hygiene. The dates for this exposition have been fixed to cover the period from August 1 to September 30, 1909.

"The government of Brazil has offered for the use of this exposition the buildings, machinery, and installations prepared for the National Exposition to commemorate the opening of the ports of Brazil to international trade, which is held this year. The hygiene exposition, therefore, is to have unusually satisfactory accommodations in every way. Site, buildings, light, power, transportation, and other conveniences will be on a scale prepared for a great national affair.

"The congress which is the occasion for the exposition follows in series those held in Montevideo in March, 1907, and previously in Santiago, Chile, and Buenos Ayres, Argentina. It will include physicians and surgeons, pharmacists, chemists, naturalists, sanitary engineers, demographers, veterinaries, and dentists. The congress will be divided into nine sections according to subjects to be considered, members meeting by sections and as a whole as occasion may demand. The sessions will consist of the reading and discussion of reports and papers, of the presentation and discussion of resolutions, of conferences and practical demonstrations in all lines of the subjects considered. The proceedings are to be in Portuguese and Spanish, although Italian and French will be allowable with the permission of

the congress at the time. The organization of the congress at present includes representatives in Argentina, Uruguay, Chile, Peru, Mexico, Cuba, and Brazil.

"The exposition is to be divided into two sections, and further divided into 66 classes arranged in 19 groups. The first section, the industrial section, will include 12 groups of classes, as follows:

"(1) Apparatus for the examination of air, soil, and water, covering parasitology; (2) apparatus for the manufacture and preservation of alimentary products like meat, fish, milk, vegetables, and the like, fruit juices, mineral waters, and the like, and culinary apparatus and products generally; (3) paving materials, materials and apparatus for the care and protection of the soil, streets, closets, irrigation, drainage and plumbing, the care and protection of water supplies, public markets, street cleaning, public baths, fire-fighting apparatus, and in general all other articles and goods concerned in rural and urban hygiene; (4) apparatus and products connected with personal or private hygiene like personal exercise, housing, ventilation, illumination, kitchen arrangements, and household affairs generally; (5) articles and apparatus for hospitals, schools, industrial establishments, prisons, military establishments, and other public edifices generally, covering general subjects connected with the public health and such establishments; (6) international hygiene, the health of ports, examination and disinfection of ships, organizations against specific diseases like tuberculosis, public assistance like ambulances and first aid appliances and apparatus, and articles for autopsies, as well as laboratory appliances; (7) chemical products, diagnostic tests, and the like; (8) surgical appliances; (9) hygienic furniture and appliances for cleaning houses and buildings, sanitary clothing and the like, and sanitary construction materials; (10) foods of all kinds; (11) living animals concerning hygiene directly or in their products like meat, milk, wool, leather, and the like; (12) maps, plans, illustrations, diagrams, etc., illustrating or presenting prophylactic methods against certain diseases, as syphilis, tuberculosis, alcoholism, malaria, etc.

"The second section, the scientific section, restricted to the hygienic interests of Latin America, follows the general subjects and grouping of the industrial lines noted in the first section, the exhibits being confined to a scientific presentation of subjects connected therewith and to specimens, samples, and the like connected with such presentation.

"The premia at the exposition will consist of medals and diplomas. Exhibitors will be allowed a certain reasonable space for their exhibit without charge, additional or unused space to be charged for. Other arrangements in general conform to rules common in such exhibitions.

"The scope of the exposition in some respects is almost unlimited, and I believe that it offers an exceptionally good opportunity for American manufacturers in some lines to get in touch with a rapidly growing trade in Latin America in all those lines and varieties of products connected with the health and material betterment of the people of these countries. Applications for space should be made before April 30, 1909, when the allotments will be made. Applications will not be received after June 15, 1909. All communications relating to the exposition should be addressed to "Secretaria Geral do Congresso e da Exposição de Higiene, Rua Uruguayana No. 5, Rio de Janeiro, Brazil."



## CUSTOMS DECISIONS.

(T. D. 29432.)

*Distilled Spirits.*

Distilled spirits not exported in good faith not entitled on return to United States to entry under section 25000, Revised Statutes, nor to warehousing privileges.

Treasury Department, December 21, 1908.

To Collectors and other Officers of the Customs:

It has been brought to the attention of the Department that in some cases distilled spirits have been withdrawn from bonded warehouses under sections 3329 and 3330, Revised Statutes, ostensibly for exportation, but in reality only for transportation to certain foreign ports with the intention of holding the same there for a time and then returning them to the United States. In a communication from the Attorney-General, appended hereto, upon the legality of this practice, he expresses the opinion that the transportation abroad of whisky for the purposes mentioned is not an exportation within the meaning of said sections of the law. When, therefore, there is not a bona fide exportation, such goods, upon their return in the original packages, will not be entitled to entry under section 2500 of the Revised Statutes nor to the warehousing privileges, but will be delivered to the collector of internal revenue for the district, who will dispose of them under instructions to be issued by the Commissioner of Internal Revenue.

JAMES B. REYNOLDS, Assistant Secretary.

Department of Justice, December 4, 1908.

Sir: In your letters of June 14 and July 13, 1907, you submit to me the following facts:

Certain whisky manufacturers have been accustomed to withdrawing their products from bonded warehouses under sections 3329 and 3330, Revised Statutes, and transporting them to certain foreign parts, with the intention of holding them for a time and then having them returned as reimportations of manufacturers of the United States, their purpose being to postpone the payment of the taxes on the whiskies shipped until they wish to place them upon the market; and the question is whether such a transportation is an exportation of the whisky within the meaning of sections 3329 and 3330, Revised Statutes, and whether a withdrawal of whisky from a bonded warehouse for such purpose is lawful.

The statutes which are material for a determination of these questions are the following:

By section 3329, Revised Statutes, it is provided that—

Distilled spirits upon which all taxes have been paid may be exported with the privilege of drawback. \* \* \*

And specific directions are given therein governing such exportations.

By section 3330, Revised Statutes, it is provided that—

Distilled spirits may be withdrawn from distillery bonded warehouses, at the instance of the owner of the spirits, for exportation \* \* \* without the payment of tax, under such regulations and after making such entries and executing and filing with the collector of the district from which the removal is to be made, such bonds and bills of lading, and giving such other additional security as may be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury: *Provided*, That bonds given under this section shall be canceled under such regulations as the Secretary of the Treasury shall prescribe: *And Provided further*, That the bonds required to be given for the exportation of distilled spirits shall be canceled upon the presentation of satisfactory proof and certificates that said distilled spirits have been landed at the port of destination named in the bill of lading, or upon satisfactory proof that after shipment the same were lost at sea without fault or neglect of the owner or shipper thereof.

By the last clause of this section it is provided that—

Every person who intentionally relands within the jurisdiction of the United States any distilled spirits which have been shipped for exportation under the provisions of this Act, or who receives such relanded distilled spirits, and every person who aids or abets in such relanding or receiving of such spirits, shall be fined not exceeding five thousand dollars and imprisoned not more than three years; and all distilled spirits so relanded, together with the vessel from which the same were relanded within the jurisdiction of the United States, and all boats, vehicles, horses or other animals used in relanding or removing such distilled spirits shall be forfeited to the United States.

By Section 27 of the customs act of 1897 it is provided that—

Upon the reimportation of articles once exported, of the growth, product or manufacture of the United States, upon

which no internal tax has been assessed or paid, or upon which said tax has been paid, but refunded by means of drawback, there shall be levied, collected and paid a duty equal to the tax imposed by the Internal Revenue laws upon such articles; except articles manufactured in bonded warehouses and exported pursuant to law, which shall be subject to the same rate of duty as if originally imported.

This question does not appear to be an open one. On July 2, 1883, precisely the same question was considered by Solicitor-General Phillips in an opinion which was examined and approved by Attorney-General Brewster (17 Op., 579-583); and it was held that if it was the purpose of the owner of the whisky, when exporting it, to bring it back into the United States, it was not an exportation, within the meaning of section 3330, Revised Statutes. The theory upon which this conclusion was based was that the various transactions must be considered as one, and that the question of exportation must be determined by the ultimate destination had in mind by the owner when the shipment was made; and that, if that ultimate destination was a point within the United States, then it was not in fact an exportation. The decision was largely rested on the question of intent, it being held that in order to constitute a *bona fide* exportation, it was necessary that the owner of the whisky should intend that it should not only be landed in a foreign port, but that it should enter into the commerce of such country. Upon this point the following language was used:

As the legal notion of emigration is going abroad with an intention of not returning, so that of exportation is a severance of goods from the mass of things belonging to this country, with an intention of uniting them with the mass of things belonging to some foreign country or other.

This expression was quoted with approval by the Supreme Court of the United States in the case of *Swan & Finch Co. v. United States* (190 U. S., 145). That was a case involving the right of drawback on lubricating oils, which were placed on board a vessel going to a foreign port, but which were to be consumed on the voyage; and this quotation from the Attorney-General's opinion was cited as an illustration of what an exportation within the meaning of the tariff laws.

The question again came before this Department during the administration of Attorney-General Harmon, and he held that the exportation of alcohol, with the intention of its reimportation, in order to take advantage of the drawback privilege, is to be regarded as colorable only, the alcohol is forfeitable, all persons engaged in the transaction are punishable, and there is no right to a drawback (21 Op., 501).

There has never been a contrary view expressed by this Department.

It is true that Attorney-General Moody held that distilled spirits withdrawn for shipment to Panama or Colon, although ultimately to go to the Canal Zone, are withdrawn for shipment to a foreign country within the letter and spirit of the statutes (25 Op., 324). But this opinion was based upon a treaty between the United States and the Republic of Panama and an order of the President issued in pursuance thereof, whereby it was ordered that there should be no importation of goods, wares, or merchandise at Ancon or Cristobal, the terminal ports of the canal, except such as were specified in said order, the manifest purpose being to require all other goods, except those expressly excepted, to be landed at some port in the Republic of Panama in order that said Republic might collect taxes thereon. Of course, under this treaty and the President's order, the landing and discharging of such goods at Panama or Colon, which were ports in the Republic of Panama, was an importation within the meaning of the revenue laws.

This same question was presented to the circuit court for the northern district of New York in the case of *Kidd v. Flagler* (54 Fed. Rep., 368). In that case the facts were that Kidd and others owned a distillery at Des Moines, Iowa, while their principal place of business was in New York. In July, 1884, they withdrew certain liquor from a bonded warehouse in Des Moines for export to Canada without paying the internal-revenue tax, intending to remove it to New York and pay the tax there. The route by which they proposed to send the whisky was to Detroit and thence to New York, via Windsor, Canada, and Suspension Bridge. It arrived at Windsor in July, 1884, was taken from the cars, measured by Canadian officers, and placed in a warehouse in the charge of Canadian customs officers, where it remained until August, 10, 1884. No duty was paid to the Canadian Government. On the 10th of August it was shipped from Windsor, invoiced to the collector of the port of New York for the benefit of Kidd, the cars in which it was passed being under the seal of the United States consul at Windsor. It



reached Suspension Bridge August 18, 1884, where it was detained by Flagler, the collector, acting under instructions from the Secretary of the Treasury. District Judge Cox held that the whisky was not subject to taxation; that it was an importation within the meaning of the statute, and consequently rendered judgment in favor of the plaintiffs for the damages resulting from the detention of the whisky. An appeal was taken therefrom to the circuit court of appeals, and the judgment was by that court reversed, all judges concurring (78 Fed. Rep., 341). That court held that a certain landing of the whisky within the United States, after being withdrawn for exportation under these circumstances, was in violation of the last clause of section 3330, Revised Statutes, which is above quoted; and, in speaking with reference to the scope of that clause, the court said:

But the statute itself denounces such an interpretation by making it criminal to intentionally reland within the jurisdiction of the United States distilled spirits which have been shipped for exportation, and declared them forfeited to the United States. Articles can be relanded without having been exported, but they can not be reimported without being relanded; and the term includes both the cases. The language, in effect, forbids the reimportation of spirits upon which the tax has not been paid when they have been withdrawn from warehouse, and does not rationally permit a less comprehensive import to be given to it. If the spirits have been shipped for exportation, it matters not whether they have been actually exported or not. If they are intentionally relanded, the penalty is incurred. Unless this language is ignored, the statute can not mean to permit the withdrawal of spirits for an exportation which is to be followed by a reimportation. The provision may be designed to reach a case where spirits might be warehoused, and before the expiration of the three years from entry within which the tax must be paid, be withdrawn for exportation, and then reimported, thus obtaining an indefinite extension of the time of paying the tax. This part of the section is one of the stringent provisions calculated to enforce a strict compliance with all the requirements of the law taxing distilled spirits.

That an importation depends upon the purpose of the importer to not only discharge the goods from the vessel, but that they shall enter into the commerce of the country, is further shown in the opinion delivered by Chief Justice Marshall in the case of *Brown v. Maryland* (12 Wheat, 419, 442). That case arose out of an effort upon the part of the State of Maryland to impose a privilege tax upon importers, and in discussing the purpose of importation the court said:

The counsel for the plaintiffs in error contend that the importer purchases, by payment of the duty of the United States, a right to dispose of his merchandise, as well as to bring it into the country, and certainly the argument is supported by strong reason, as well as by the practice of nations, including our own. The object of importation is sale; it constitutes the motive for paying the duties; and if the United States possesses the power of conferring the right to sell, as the consideration for which the duty is paid, every principle of fair dealing requires that they should be understood to confer it. The practice of the most commercial nations conforms to this idea. Duties, according to that practice, are charged on those articles only which are intended for sale or consumption in the country. Thus, sea stores, goods imported and re-exported in the same vessel, goods landed and carried overland for the purpose of being re-exported from some other port, goods forced in by stress of weather, and landed, but not for sale, are exempted from the payment of duties. The whole course of legislation on the subject shows that in the opinion of the legislature the right to sell is connected with the payment of duties.

I am clearly of the opinion, therefore, that a transportation abroad of whiskies for the purposes above mentioned is not an exportation within the meaning of sections 3329 and 3330, Revised Statutes.

If the intention of the parties owning the whisky can be ascertained before its withdrawal from the warehouse, such withdrawal can, of course, be refused and the tax thereon collected at the time required by law; or, if the tax has been paid, the application for a drawback on the ground of exportation can be refused.

But if the whisky is withdrawn under section 3330, Revised Statutes, and the intent is not learned until after its withdrawal, I think sections 3296 and 3299, Revised Statutes, would apply.

By section 3296, Revised Statutes, it is provided that—

Whenever any person removes or aids or abets in the removal of any distilled spirits on which the tax has not been paid \* \* \* or removes, or aids or abets in the removal of any distilled spirits from any distillery warehouse, or other warehouse for distilled spirits authorized by law, *in any manner other than is provided by law*, \* \* \* he shall be liable. \* \* \*

Section 3299 provides that—

All distilled spirits found elsewhere than in a distillery or distillery warehouse, not having been removed therefrom according to law, shall be forfeited to the United States.

Manifestly, if the exportation is not a *bona fide* one then there is no legal warrant for the withdrawal of the whisky, and it is a fraud upon the Government for it to be so withdrawn, and consequently, it is not withdrawn according to law, and a forfeiture of the whisky could be enforced if found within the jurisdiction of the United States, and the parties withdrawing it would be liable to punishment.

Respectfully,

CHARLES J. BONAPARTE, *Attorney-General*.

The Secretary of the Treasury.

(T. D. 29508.)

Disposition at ports of cases arising under the food and drugs act of June 30, 1906.

Treasury Department, February 2, 1909.

To Collectors of Customs at Ports where Laboratories of the Department of Agriculture are Established:

Precedents in cases arising under the food and drugs act of June 30, 1906, additional to those published in T. D. 29368 of December 1, 1908, have been established in the following cases:

1. Drugs which are misbranded under section 8 because of false and misleading statements on the label or the wrapper concerning the properties of the preparation.
2. Drugs which are misbranded under section 8, in that the label states the presence of certain constituents which examination proves to be absent, or where the label states that certain constituents are present in certain amounts which are found to be present in substantially different amounts.
3. Drugs which are adulterated under section 7 because sold under a name recognized by the United States Pharmacopœial requirements, the drugs thus being misbranded because the way in which they differ from the pharmacopœia is not stated upon the label.
4. Products which are misbranded because called "Extracts" when they are not entitled to be called by that term.
5. Brandies which are misbranded under section 8 because being labeled as being "cognac," when as a matter of fact they are not entitled to that name because not produced from wine made from grapes grown in the Charente and Charente Inferieure in France.
6. Products which are misbranded under section 8 because they are called "jellies," when as a matter of fact they are preserves or jams.

JAMES B. REYNOLDS, Assistant Secretary.

#### VACUUM FOOD PRESERVATION.

WAR DEPARTMENT EXPERIMENTS WITH THE WATER ASPIRATOR.

With reference to the water aspirator report published in Daily Consular and Trade Reports for October 24, 1908, from Consul Norton, of Chemnitz, Germany, the War Department of the United States has been making investigations and tests of the apparatus. Commissary-General Henry G. Sharpe writes to the Bureau of Manufactures as follows:

According to experiments made by the professor of physics at the Johns Hopkins University, in Baltimore, it appears that while the aspirator in question does produce a vacuum, the time required and the quantity of water consumed are so great that its practical utility as a food preserver is very much to be doubted. In the above-mentioned experiments it required one hour's time and approximately 90 gallons of water to exhaust a vessel of only 500 liters, and inasmuch as the apparatus being constructed for this office in Baltimore has a cubical capacity of 14 times this amount, it follows that, with the aspirator used by the experimenter at the university, it would require 14 times as much time and water, and meat, for instance, would likely begin to spoil before the necessary amount of exhaustion had been secured. While it is true that with a larger aspirator a vacuum could be obtained in less time, the quantity of water required would still be the same. The aspirator idea has, therefore, been abandoned as impracticable, and an attempt will be made to secure the necessary degree of exhaustion in the container by means of some simple and inexpensive form of air pump.



(T. D. 1449.)

*Method of sampling butter.*

Instructions to internal revenue officers to discontinue use of butter "trier" in taking samples and describing new method to be used in lieu thereof.

Office of Commissioner of Internal Revenue,  
To collectors and other internal revenue officers and employees:

The act of Congress approved May 9, 1902, imposes an internal revenue tax of 10 cents per pound on adulterated butter, as described in the act, and special taxes on any person engaged in the business of manufacturing adulterated butter or in the sale of the same.

The enforcement of this law necessitates the examination of the product found on the market or in storage by revenue officers, who are required to procure samples from the packages so found and submit the same for chemical analysis, by which process it is determined whether any chemicals have been used or any substances foreign to genuine butter have been added, or any process of manipulation has been resorted to with the effect of causing the absorption of an abnormal quantity of water, milk, or cream. Upon the results of these analyses it is determined what butter is subject to the tax herein referred to.

Heretofore, while acting under instructions of this office, care has been taken by field officers to obtain truly representative samples of the contents of the tub or package of butter without particular reference to the method of taking the samples, and complaints have reached this office concerning all these methods, more especially where a "butter trier" has been used. It is claimed that this is especially objectionable for the reason that it disfigures the surface of the contents of the package and interferes with the division of the same into prints. Obtaining the samples from the top, bottom, or sides of the package by means of a spoon or other instrument has been criticised as not giving representative samples of the contents of the tubs.

Hereafter, in procuring these samples, the use of a "butter trier" will be entirely abandoned. The quantity required from each package will be obtained from the top and bottom or sides of the butter contained in the tubs by cutting a V or wedge-shaped strip about 2 inches wide, 1½ inches deep, and of sufficient length to make up the required weight of the sample, which must be approximately 1 pound. This can be accomplished by removing the butter from the tub. A V-shaped strip of this character should be taken from each of opposite sides of the package of butter, or from both the top and the bottom of same, but it is regarded as sufficient if two such strips are obtained—that is, from the top and bottom in one case and from the two sides in the other instance.

Butter put up in prints will be sampled by taking a 1-pound print from the box or other container.

All officers and employees engaged in securing samples of butter for investigation are admonished to perform this duty with as little trouble and friction as possible, leaving the packages sampled as nearly in their normal condition as may be practicable.

Any labor required in the handling of packages to be sampled will be performed by the officers, or, if assistance is necessary, by persons employed for that work by the officer in charge of the investigation. The business of merchants or of storage houses should be interfered with as little as possible by officers while in discharge of these duties. In return, it is assumed that the owners of butter will interpose no unreasonable obstacle in the way of officers who seek only to carry out their instructions.

Great care must be exercised in the packing, sealing, labeling and shipping of samples of butter, following existing instructions as contained in circulars now in force.

JOHN G. CAPERS, Commissioner.

**AGAINST SHORT WEIGHTS.**

In an address before the Boosters' Club of Logan, Utah, President J. S. Carver of the State Retail Merchants' Association called attention to the fact that the Merchants' Association of Utah stood absolutely opposed to the handling of short weight goods of any description, that they would do anything they could to secure and push the sale of full weight goods, and warned the manufacturers that nothing but full weight goods, guaranteed under the Pure Food Act, would be exhibited for sale by the members of the association of the state of Utah. He pointed to the fact that butter had been sold that had been loaded with water, and when the water had been taken out, contained but eight ounces to the pound.

President Carver knows whereof he speaks when discussing any phase of merchandising, and an intelligent press and populace are quite willing to listen to him. He is a man of large business experience, and will no doubt in his official capacity be a great help to the merchants of Utah.

If we expect results we turn to the man who is busily engaged. It is he who can accomplish so much in the least possible time, and knowing Mr. Carver as I do, I can vouch for the statement of the Retail Merchant of Utah, when it pays him this compliment:

"The Retail Merchants' Association of Utah has been especially fortunate in the happy selection of Mr. Carver as president. He is a man of unimpeachable honesty, and a convincing speaker, because he is absolutely sincere in what he says. A fine executive, for he shirks no duty. A successful merchant, due to his integrity and affability. A worthy citizen, and an ideal head of a family."

A man of such a temperament and character will add dignity and influence to the office, and we expect when the next convention meets that the result of his efforts, with the aid of the official board and the members, to see Utah making rapid strides in both membership and influence.

It is no wonder, then, that the association to-day is calling to its attention the manufacturers and jobbers of the country, when its officers are composed of men of this caliber. We are in a new era—an era of accomplishment, where each tries to benefit the other. The manufacturers, jobbers and retailers of the United States are getting closer and closer together, and before another season will have passed everything indicates that a number of conferences will be held, and a thorough understanding between all parties, which cannot help but result in the betterment of the trade at large.

This condition of affairs has been brought about by men of unimpeachable character, large business interests, and a desire to bring about better conditions, the benefit of which all may enjoy, and is the fruit of sacrifice, unselfishness, and untiring devotion of the men who have but one object, and that object to bring the trade up to an ideal standpoint, and put it on a profitable basis.

J. A. GREEN, Secretary.

**PHILADELPHIA'S PURE FOOD.**

Dr. Joseph P. Remington, dean of the Philadelphia College of Pharmacy, told the Philadelphia Pharmaceutical Association some interesting things about the pure food conditions of the city a few days ago. It was in connection with his narrative of his recent participation in a case wherein fifty barrels of liquor branded Bourbon whisky were found to be composed of the refuse of sugar refineries, treated with sulphuric acid, ammonia, coloring matter and flavoring material. The stuff was seized by the Federal Government and its manufacturers convicted.

One-half of a certain brand of ground cinnamon now used in Philadelphia is composed of mineral matter, he said. One-third of a certain Philadelphia consignment of cloves was useless stems. Fully two-thirds of all the drugs manufactured in Pennsylvania do not comply with the Federal and state pure food and drug laws, he declared. Dr. Remington pronounced Dr. Wiley a great chemist, a marvelous lawyer, and one of the country's most useful citizens.

Professor Charles H. LaWall, chemist for the State Dairy and Food Commission, also described several cases brought by the state against manufacturers of flavoring extracts who misbranded their products. He told of the sale by grocers of essence of peppermint and Jamaica ginger to customers, who bought the misbranded stuff for the sake of the alcohol it contained.

One of the members of the association naively complained that the public does not appreciate the new Federal Pure Food Act.

"Our customers kick," he said, "because we ask 10 cents an ounce for peppermint where before we asked 5 cents an ounce. They kick, also, because we ask 25 cents for a bottle of citrate of magnesia, where we sold it to them before as low as 8 cents."

"They forget that we cannot sell a solution of Epsom salts for magnesia under the new law, and that we are compelled to make our peppermint and other extracts in full strength required by law."

"It is too bad," said Professor Remington, with gentle sarcasm. "I wouldn't like to be in the retail drug business. It must be hard to explain to your customers that you were cheating them before. It would be harder if they should say: 'Give me the 8-cent magnesia,' because you couldn't do it and call it magnesia."



# THE AMERICAN FOOD JOURNAL



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## Synopsis of Food Laws Pending and Passed In State Legislatures.

The following tabulated and compiled list of Food Laws pending in the various states will be found to be of great value to our readers and will keep them informed on proposed Food and Sanitary Legislation. The list is as complete as could be made possible up to the date of going to Press (March 15th.) The states are arranged in alphabetical order, the Senate Bills being Recorded first, the House Bills following; wherever it was possible we have shown number of Bill, the introducer and to what committee referred and what action if any the committee has taken, also recording Bills passed and date of adjournment of the Legislature. The list is corrected monthly until all the different Legislatures have adjourned. We will from time to time print in full all Bills passed and approved until all new Food Legislation is recorded in our columns.

**Editor's Note:** A number of the so-called Pure Food Journals have copied our list as published last month without giving credit. The records found below are keyed and any paper copying this list will be good enough to credit the same.

### Arkansas.

Legislature adjourned March 12th.

#### SENATE BILL NO. 30.

This bill requires net weight or measure to be stated on all feed and fuel.

This bill is construed to relate to stock food, although it is not clear. The committee to whom bill was referred reported adversely.

#### SENATE BILL NO. 185.

Regulates concentrated Feeding Stuffs.

### California.

Legislature adjourned March 5th.

#### SENATE BILL NO. 47.

By Mr. McCartney, Jan. 8, 1900.

Referred to Committee on Public Health and Quarantine.

Amended Jan. 19, 1909.

Amended in Senate Feb. 2d, 1909.

Is a sanitary bill to compel all places where food or drink is produced or sold to be clean and sanitary, and all persons handling food or drink to be clean and healthy.

This bill has become a law.

#### SENATE BILL NO. 51.

By Senator McCartney, Jan. 8, 1909.

Referred to Committee on Public Health and Quarantine.

Is a bill to amend the 6th section of the food law of California, approved March 11, 1907.

The amendments consist simply in defining misbranding. The definitions conform closely to the National Food Law.

This bill was amended in Senate January 19 and has passed both houses and signed by the governor and is now a law. It will be published in full in a subsequent issue of this journal.

#### SENATE BILL NO. 56.

By Mr. Cutter, Jan. 8, 1909.

Referred to Committee on Judiciary.

A bill to compel commission merchants, etc., to be honest in their dealings with their principals.

It has passed the Senate and been referred to House Committee on Judiciary.

#### SENATE BILL NO. 191.

By Mr. Wolfe, Jan. 11, 1909.

Referred to Committee on Labor, Capital and Immigration.

Is a sanitary regulation.

#### SENATE BILL NO. 230.

By Mr. Estudillo, Jan. 12, 1909.

A bill to regulate bakeries.

#### SENATE BILL NO. 527.

By Mr. Martinelli, Jan. 20, 1909.

Referred to Committee on Judiciary.

It is intended to prevent anyone from adding any substance to any package of merchandise to fraudulently increase its weight.



## SENATE BILL NO. 768.

By Mr. Estudillo, Feb. 1, 1909.

Referred to Committee on Public Health and Quarantine.  
Relates to the production and sale of certified milk  
This bill has passed the Senate and has been recommended for passage in House.

## SENATE BILL NO. 782.

By Mr. Birdsall, Feb. 1, 1909.

Referred to Committee on Public Health and Quarantine.  
Is a bill to prevent the refilling of soda water bottles and other bottles by parties not the owners of said bottles.

## SENATE BILL NO. 936.

By Mr. McCartney, Feb. 8, 1909.

Referred to Committee on Public Health and Quarantine.  
Is an act to amend Section 4 of the present Food Law of California.

The Ninth Definition of adulteration reads:  
"Ninth. If it does not conform to the standards of purity therefor as promulgated by the Secretary of the United States Department of Agriculture."

Amended in Senate February 11th.

This bill has been recommended for passage by the committee.

This bill has passed the Senate and has been recommended for passage by the House Committee.

## SENATE BILL NO. 1004.

By Mr. McCartney, Feb. 10, 1909.

Referred to Committee on Public Health and Quarantine.  
Relates to dairy products.

## SENATE BILL NO. 1175.

By Mr. Hare.

Referred to Committee on Public Health and Quarantine.  
Is a bill to amend Section 382 of the Penal Code relative to the adulteration of foods.

## SENATE BILL NO. 1179.

By Mr. Martinelli, February 12th.

Referred to Committee on Agriculture, etc.  
Relates entirely to dairy products.  
Amended in House February 20.  
Relating to the inspection of bakeries in California.  
This bill recommended for passage.

## HOUSE BILL NO. 179.

By Mr. Transue, Jan. 11, 1909.

Referred to Committee on Labor and Capital.  
Relating to the inspection of bakeries.  
This bill has passed the House.

## HOUSE BILL NO. 412.

By Mr. Collier, Jan. 14, 1909.

Referred to Committee on Labor and Capital.  
Relates to bakeries.

## HOUSE BILL NO. 427.

By Mr. Greenman.

Relates to the sanitary condition of dairies and dairy products.

## HOUSE BILL NO. 528.

By Mr. Rech, Jan. 15, 1909.

Referred to Committee on Revision and Reform Laws.  
Is a bill to repeal an act to provide for the marking, branding, or labeling of boxes, barrels, or packages containing fruits, fresh or dried, etc., approved March 20, 1903.

## HOUSE BILL NO. 554.

By Mr. Reach.

Is a bill to repeal an existing law regulating the sale of olive oil.

## HOUSE BILL NO. 666.

By Mr. Butler, Jan. 21, 1909.

Referred to Committee on Judiciary.  
Prohibits any person from adding any foreign or other substance to any bale, box, crate or package of merchandise intended to be sold in package form for the purpose of increasing the weight thereof and defrauding the purchaser.

## HOUSE BILL NO. 1020.

By Mr. Transue, Feb. 3, 1909.

Referred to Committee on Live Stock, Dairy and Dairy Products.

Relates to the sale of dairy products.

This bill has been recommended for passage.

## HOUSE BILL NO. 1124.

By Mr. Beardslee, Feb. 9, 1909.

Referred to Committee on Live Stock, Dairy and Dairy Products.

Relates to dairy products and has passed the House.

## HOUSE BILL NO. 1155.

By Mr. Maher, February 10, 1909.

Referred to Committee on Public Health and Quarantine.  
Amends Section 4 of the present food law of California.  
The 9th definition of adulteration reads as follows:  
"Ninth. If it does not conform to the standard of purity therefor as promulgated by the Secretary of the United States Department of Agriculture."

The Committee has recommended this bill for passage.

## HOUSE BILL NO. 1330.

By Mr. Butler, February 12th.

Relates to dairy products and Committee has recommended it for passage.

**Colorado.**

## SENATE BILL NO. 85.

By Mr. Twining.

Is a sanitary measure and affects only those maintaining establishments in Colorado.

This bill has been advanced to second reading in the Senate.

## SENATE BILL NO. 218.

Is a duplicate of the Food Commissioners' Uniform Food Bill and adopts the Standards incorporated in that bill, and is identical with H. B. 320. Has been recommended for passage.

## SENATE BILL NO. 219.

By Senator Croke.

Is a bill to appoint a Food and Drug Commissioner for the State of Colorado, and State Pure Food and Drug Commission. The enforcement of the food and drug laws to be taken away from the State Board of Health and placed in the hands of the Food and Drug Commissioner and the Food and Drug Commission thus created and provides that the Food and Drug Commissioner shall be learned in Chemistry and Drug, Sanitary and Food Science.

## SENATE BILL NO. 281.

By Mr. Skinner.

Relates to the sanitary condition of dairies and dairy products.

## SENATE BILL NO. 402.

Is a certified milk bill and has been recommended for passage.

## HOUSE BILL NO. 205.

By the Hon. Mrs. Lafferty.

Relates to the sanitation of food establishments.

## HOUSE BILL NO. 308.

By Mr. Daily.

Relates to the fixing of standards for weights and measures.

This bill has been killed.

## HOUSE BILL NO. 320.

Is a bill to establish standards of purity for foods and food products, and is the same as S. B. No. 218 and has been recommended for passage.

## HOUSE BILL NO. 421.

By Mr. Hayden.

Relates to the sale of oleomargarine and filled cheese.

## HOUSE BILL 543.

Is a certified milk bill.

**Connecticut.**

## HOUSE BILL NO. 54.

Relates to bake shops and the sanitation thereof.

## HOUSE BILL NO. 84.

Relates to sanitation.

## HOUSE BILL 93.

Relates to meat and meat food products.

## HOUSE BILL NO. 149.

Referred to Committee on Agriculture.

Requires net weight or measure to be stated on all packages containing food.

## HOUSE BILL NO. 495.

By Mr. Beekwith.

Relates to butter.

## HOUSE BILL NO. 663.

By Mr. Donovan, February 11th.

Referred to Labor Committee.

Relates to bake shops.



**Idaho.**

The Legislature of Idaho adjourned March 5th.

**HOUSE BILL NO. 140.**

Relates to commercial feeding stuffs.

**HOUSE BILL NO. 172.**

By Committee on Public Health.

Is a bill to abolish the Board of Dairy, Food and Oil Commissioners and transfer the duties of said board to the State Board of Health; and for other purposes.

Section 1145 gives the State Board of Health power to establish standards, the same to be in harmony, as near as possible, with the Standards of the United States Department of Agriculture.

Section 1149. Provides that goods found to be illegal shall be confiscated.

This bill has passed the House and Senate and has become a law.

**HOUSE BILL NO. 270.**

By Mr. Anderson.

Is a bill to prohibit the use of harmful or poisonous colors or flavors.

**HOUSE BILL NO. 274.**

By Mr. Ricks (By Request).

This bill relates to the sale of butter.

**HOUSE BILL NO. 280.**

Mr. Anderson (By Request).

The above is an act to amend the present food law of Idaho by adding certain definitions of adulteration.

The 6th definition provides that an article shall be deemed to be adulterated if it does not come up to the standard of strength and purity authorized by the law. The law authorizes the State Board of Dairy, Feed and Oil Commissioners to establish standards and the effect of this law would be to make it an offense to violate any such standards.

**Indiana.**

The Legislature of Indiana has adjourned and passed the following three laws relating to Food Stuffs:

**ENGROSSED H. B. 44**

This bill passed both houses, and has been signed by the Governor, and has become a law.

**HOUSE BILL NO. 308.**

By Mr. White.

Referred to Committee on Sanitation.

Is a sanitary regulation and will affect particularly those maintaining establishments for the manufacture of food in Indiana.

This bill has passed both houses and has been signed by the Governor and is now a law, and is printed in full in another part of this paper.

**H. B. 345.**

Has passed both Houses, signed by the Governor and is now the law of the State.

**Iowa.****SENATE BILL NO. 173.**

By Mr. Clark.

Is a sanitary regulation and will only affect those maintaining food manufacturing establishments in the State of Iowa.

**HOUSE BILL NO. 311.**

By Mr. Perkins.

Referred to Committee on Food and Dairy Products.

Is a bill to amend the present food law of Iowa, in such a way as to require, among other things, a statement of the net weight or measure of the contents. The bill reads as follows:

"The word 'Commissioner,' whenever used in this act, shall be taken to mean the State Food and Dairy Commissioner herein provided for. The word 'food' as herein used, shall include all articles used for food, drink, confectionery or condiment by man or domestic animals, whether simple, mixed or compound. The term 'misbranded' as used herein, shall apply to all articles of food, or articles which enter into the composition of food, and package or label of which shall bear any statement, design or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food product which is falsely branded as to the State, Territory or Country in which it is manufactured.

"For the purpose of this act an article of food shall be deemed to be misbranded if the package or label shall fail to bear a correct statement of the net weight or measure of

the contents; provided, that this provision shall not apply to goods in hermetically sealed tins, nor to goods put up by the retailers in the ordinary course of retail business; provided that no penalties shall be imposed for the sale of goods misbranded as to weight or measure when proof is given that the weight or measure of contents is less than stated upon the label by reason of natural evaporation of moisture and that the package was truthfully labeled in good faith when packed; provided no penalties shall be imposed for the sale of goods not labeled as to weight or measure when proof is given that said goods were in the state of Iowa before the fourth of July, 1909."

**HOUSE BILL NO. 320.**

By M. Hanson.

This bill amends sec. 4999 A. 25 and fixes a minimum penalty for violating the Pure Food Law at \$10.00.

**HOUSE BILL NO. 321.**

By Mr. Hansen.

This bill provides that Oysters shall not contain ice nor more than 16 2-3 per cent free liquid, by weight.

**HOUSE BILL NO. 348.**

By Mr. Sullivan.

Referred to Committee on Judiciary.

Prevents the unlawful refilling of bottles or other receptacles by firms not the owners of the same.

**Kansas.**

Legislature adjourned March 10th.

**SENATE BILL NO. 134.**

This bill has passed both Houses and has gone to the Governor, who says he will sign it. Section 15 of the bill was amended as follows:

"A slight variation from the stated weight, measure or quantity for individual packages, is permissible, provided this variation is as often above as below the weight or measure or quantity stated."

This bill has passed both houses and is now the law of the State and will be published in full in the April number of THE AMERICAN FOOD JOURNAL.

**SENATE BILL NO. 135.**

Referred to Committee of the Whole Senate.

Is a bill to amend the existing food law of Kansas as follows:

First. Section 3 of the 266th chapter of the Session Laws of 1907 is amended as to give the State Board of Health the power to establish standards of quality, purity and strength for all foods, drinks and drugs sold in Kansas, and makes it an offense punishable by a fine to violate any such standards when established.

Second. Section 7 of Chap. 266 of the Session Laws of 1907 is amended as follows:

(1) So as to make the National Formulary *official at time of sale*, one of the standards for drugs.

(2) It amends the fourth definition of adulteration so as to read: "If it be mixed, colored, powdered, coated, stained or otherwise treated in a manner whereby damage or inferiority is concealed, or whereby it is made to appear better than it really is."

Third. It amends Section 8 of Chap. 266 of the Session Laws of 1907 as follows:

(1) It exempts physicians' prescriptions, labeled with directions for use, from the provisions requiring a statement of the presence of certain drugs.

(2) It amends Section 8 so as to provide that an article of food shall be deemed to be misbranded if the label "omit to state the presence of any artificial coloring matter contained therein."

This would require all candy and soda water and all articles of food or drink containing artificial color to state that fact on the label.

(3) It subjects all proprietary foods and drinks to the provisions of any rules or regulations the State Board of Health may make.

Fourth. It amends Section 11 of Chapter 266, Session Laws of 1907, by increasing the number of food and drug inspectors.

Fifth. It amends Section 14 of Chap. 266, Session Laws of 1907, so as to make the standards established by the United States Secretary of Agriculture the standards of Kansas only until the State Board of Health of Kansas establishes standards and publishes them, which time the Board of Health standards shall be the standards of Kansas, and shall be obeyed under penalty of a fine.

The law has other slight immaterial amendments.

The above bill has been substituted for H. B. 294.



This bill passed both houses and is now the law and will be published in full in our April number.

SENATE BILL NO. 140.

By Mr. Hunter.

Is a bill to regulate the sale of flour and define the different grades.

SENATE BILL NO. 283.

By Mr. Standard.

Relates to dairy products and says that Ice Cream shall conform to the National Food Law, but does not fix any standard.

This bill was killed in Committee.

SENATE BILL NO. 411.

By Committee on Temperance.

Relates to non-intoxicating liquors containing alcohol.

It forbids any beverage containing any alcohol whatever from being sold in the state.

A strict construction of it would prohibit the sale of soda water, because soda water contains at least a trace of alcohol.

HOUSE BILL NO. 240.

By Mr. Kiehbil.

Is a bill to prohibit the sale of any beverage containing any alcohol whatever.

Under this bill practically all non-alcoholic drinks, such as soda water, ginger ale, etc., would be prohibited, because under a decision of the Iowa Supreme Court the words "any alcohol whatever" would be held to include even a trace, and practically all soft drinks, contain at least a trace of alcohol. About same as S. B. 411.

This bill was killed in Committee.

HOUSE BILL NO. 294.

By Committee on Hygiene and Public Health.

It is the same as Kansas Senate Bill No. 135, and has been substituted for this bill.

HOUSE BILL NO. 441.

By Mr. R. J. Hopkins, Jan. 27, 1909.

Referred to Committee on Live Stock.

Relates to concentrated feeding stuffs.

This bill has been recommended for passage.

This bill has passed the House and referred to Committee on Hygiene in Senate.

HOUSE BILL NO. 437.

By Mr. Foley.

Is a bill to prevent bleaching of flour.

HOUSE BILL NO. 489.

Relates to dairy products and creates standards for ice cream.

HOUSE BILL NO. 788.

Relates to the Sanitation of Food producing establishments.

**Maine.**

SENATE BILL NO. 39.

Relates to dairy products.

SENATE BILL NO. 108.

Relates to fertilizers, commercial feeding stuffs and agricultural seeds.

This bill has passed the House.

HOUSE BILL NO. 7.

Relates to dairy products.

HOUSE BILL NO. 10.

Is a bill relating to dairy products.

HOUSE BILL NO. 16.

Is a bill relating to dairy products.

HOUSE BILL NO. 204.

Relates to Dairy Products.

HOUSE BILL NO. 210.

(New Draft.)

Relates to the Sale of Milk.

HOUSE BILL NO. 220.

(New Draft.)

Relates to the Sale of Milk.

**Massachusetts.**

SENATE BILL NO. 92.

Relates to dairy products.

HOUSE BILL NO. 200.

Referred to Committee on Health.

This bill codifies the laws relating to Foods and Drugs.

HOUSE BILL NO. 743.

Jan. 26, 1909.

Relates to dairy products.

HOUSE BILL NO. 744.

Jan. 26, 1909.

Relates to dairy products.

HOUSE BILL NO. 807.

Petition of Mr. Fay, Jan. 26, 1909.

Referred to Committee on Mercantile Affairs.

Is a bill to compel any person, firm or corporation operating a soda fountain for the sale of soda water to obtain a license for one year. The license fee to be \$10 for each draught arm or similar device used in drawing soda water.

HOUSE BILL NO. 865.

Relates to the sanitation of food producing establishments.

HOUSE BILL NO. 1036.

By Mr. Bailey.

Establishes a standard for vinegar.

HOUSE BILL NO. 1036.

Jan. 27, 1909.

Relates to the sale of vinegar.

HOUSE BILL NO. 1017.

Jan. 27, 1909.

Relates to dairy products.

HOUSE BILL NO. 1098.

By Mr. Oliver, Jan. 28, 1909.

Referred to Committee on Public Health.

Relates to the sale of patent medicines.

HOUSE BILL NO. 140.

By Mr. Snell.

March 2d.

Referred to Committee on Public Health.

Regulates the manufacture and sale of Ice Cream.

It fixes a standard at 12% of butter fat instead of 8%.

It requires percentage of gelatine or vegetable gums used to be stated on the label.

It requires manufacturers of Ice Cream to take out a license each year and pay a fee of five dollars for same.

It requires any dispenser of Ice Cream containing gelatine or vegetable gum to display a placard reading "We use Ice Cream Containing Gelatine."

HOUSE BILL NO. 1213.

Relates to the inspection of vinegar.

HOUSE BILL NO. 1215.

Jan. 28, 1909.

Relates to the sale of vinegar and will affect corn sugar vinegar.

**Michigan.**

SENATE BILL NO. 140.

By Mr. Snell.

March 2d.

Referred to Committee on Public Health.

SENATE BILL NO. 139.

By Mr. Snell.

March 2d.

Referred to Committee on Public Health.

Relates to cold storage eggs, butter and game.

HOUSE BILL NO. 283.

By Mr. Straight.

This bill establishes uniform weights and measures of the various products of cereals in barrels and provides for labeling weights.

**Minnesota.**

SENATE BILL NO. 181.

By Mr. Bedford.

Makes it an offense to pack any food in any box, barrel, bottle, or package that has been used before, unless the same is thoroughly fumigated or cleaned prior to the repacking.

SENATE BILL NO. 231.

By Mr. Anderson.

Relates to the salary, etc., of the Dairy and Food Commissioner and to dairy products.

SENATE BILL NO. 272.

By Mr. White.

Relates to the sanitation of food producing establishments.

SENATE BILL NO. 315.

By Mr. White.

Referred to Committee on Dairy Products.

Relates to process and renovated butter.



## SENATE BILL NO. 38.

Is an oleomargarine bill.

## HOUSE BILL NO. 404.

Relates to the sanitation of food producing establishments.

## HOUSE BILL NO. 600.

By Mr. Sullivan.

Referred to Committee on Public Health.

Provides Sanitary Regulations for bakeries and instrumentalities used in connection therewith.

## HOUSE BILL NO. 629.

By Mr. White.

Makes it an offense for anyone to cheat by means of short weights or measures or false representations regarding weights and measures. This bill has been favorably reported for passage.

## HOUSE BILL NO. 852.

The Public Committee of the House introduced House Bill No. 852, authorizing the State Board of Health to adopt regulations in regard to the Sanitation of Food Producing Establishments. The bill has been sent to the general order. It is a duplicate of Senate Bill No. 603.

**Missouri.**

## SENATE BILL NO. 146.

By Mr. Krone, Feb. 15, 1909.

Referred to Committee on Public Health, Scientific Institutions, etc.

Is an act to amend the Food Law of Missouri, approved March 15, 1907, by striking out certain words relating to the standards established by the U. S. Department of Agriculture.

The Amendment consists in striking out of Sec. 4 of said Act the 10th clause, which reads as follows:

"Tenth: If it does not conform to the standards of strength, purity and quantity now or hereafter to be established by the U. S. Department of Agriculture."

The object of this amendment is to take the standards out of the present law in order that they may be made the law of Missouri in a separate law by themselves. An effort has been made to make these standards the law of Missouri in a separate bill by means of Senate Bill No. 147.

## SENATE BILL NO. 147.

By Mr. Krone, February 15, 1909.

Referred to Committee on Public Health, Scientific Institutions, etc.

Established standards of purity and strength for food products of the United States Department of Agriculture, as set forth in Circular No. 19 of that department, dated Washington, D. C., June 26, 1906, and makes it an offense to sell any food which does not conform to those standards.

## HOUSE BILL NO. 330.

This bill prohibits the sale of flour unless the net number of pounds is plainly stamped on the container.

## HOUSE BILL NO. 335.

By Mr. Kimbey, February 5th.

Referred to Committee on Public Health.

Creates the office of State Food and Drug Commissioner and to define his powers and duties.

(1) Section 7 gives the Commissioner or his deputies power to seize any articles which they may find to be adulterated or misbranded. This gives them power to interpret the law, and assumes that they are competent to pass on the law as well as the facts.

It provides that a justice of the peace may then pass upon the legality of the goods and if he finds them illegal order them destroyed, or sold by the commissioner for any purpose other than for food purposes.

(2) Sec. (10) Ten. Compels all food and drug products to be labeled with the exact ingredients contained therein and the percentage of each ingredient, and reads as follows:

"Sec. 10. All manufacturers of food products and drugs in this state must label the same with the exact ingredients contained therein and the proportioned part of each ingredient and no retailer or jobber shall keep, sell or expose for sale any food product or drug unless it is so labeled according to the provisions of this section. And any one violating the provisions of this act shall be subject to arrest by the commissioner or any of his assistants or any one so directed by him and upon conviction shall be fined not less than \$50.00 nor more than \$1,000.00."

## HOUSE BILL NO. 367.

By Mr. Droste.

By Mr. Droste, February 8th.

Amends the act creating the office of dairy commissioner,

approved April 8, 1905, by striking out of Section 5 certain words relating to standards of purity of dairy products.

## HOUSE BILL NO. 368.

By Mr. Droste.

Amends the Food and Drug Act of March 15, 1907, by striking out of Section 4 the whole of Clause 10.

## HOUSE BILL NO. 369.

By Mr. Droste.

Establishes standards of strength and purity for food products of the U. S. Department of Agriculture.

## HOUSE BILL NO. 672.

By Mr. Calkins.

The above bill relates to the Dairy and Food Commissioner's Law.

## HOUSE BILL NO. 735.

By Mr. Calkins.

Relates to imitation butter.

**Montana.**

The Legislature has adjourned without passing any food bill.

**Nebraska.**

## SENATE BILL NO. 140.

By Mr. Randall.

Is a Sanitation Bill, and has passed the Senate.

## SENATE BILL NO. 163.

By Mr. Buck, Jan. 27, 1909.

Referred to Committee on Miscellaneous Subjects.

Relates to vinegar and provides for inspection. This bill has passed the Senate.

## SENATE BILL NO. 259.

By Mr. Miller (by request), Feb. 8, 1909.

Referred to Committee on Judiciary.

Amends section 8 of chapter 33 of the Compiled Laws of Nebraska of 1907.

The said section 8 is the section of the present food law relating to misbranding.

It requires every food product to be labeled with a statement of the city and state, territory, place, or country in which said article is manufactured or produced. This is clearly unconstitutional.

It requires a statement of the proportion of alcohol in any article of food or beverage to be stated on the label.

It requires net contents, weight or measure, to be stated on the label of all goods in package form, other than canned goods and packages put up by the retailer.

It requires the true quantity to be stated on the container of all liquids other than medicine.

It makes it illegal to put any presents, premiums, or prizes in packages.

It does not recognize that an article sold under a distinctive name should be exempt from the misbranding feature of the law, unless said article contains a statement of the place where it has been manufactured or produced, and the ingredients of the same are stated on the label. This would affect private formulas and proprietary preparations.

This bill was killed in committee on March 5th.

## SENATE BILL NO. 260.

By Mr. Banning, February 8th.

Referred to Committee on Judiciary.

Is a bill to amend certain sections of Chapter 44 of the Laws of 1907.

The amendments relate principally to salaries and dairy products, and has been recommended for passage.

## SENATE BILL NO. 262.

By Mr. Banning, Feb. 8, 1909.

Referred to Committee on Agriculture.

Relates to dairy products. The above bill has been advanced to the General File.

This bill has passed the Senate and has been referred to House Committee on Agriculture.

## SENATE BILL NO. 299.

By Mr. Buck, February 17.

Committee on Judiciary.

Amends Section 9824 of the Annotated Statutes of Nebraska, the same being one of the Sections of the Food Law of Nebraska.

(1) Fixes a standard for Ice Cream at 14 per cent of butter fat for ice cream and 12 per cent of butter fat when fruit is used.

(2) Prohibits the use of Saccharin or any other artificial sweetener in carbonated drinks.



## SENATE BILL NO. 329.

By Mr. Miller, February 24.

This bill amends Section 9825 of Cobbeys Annotated Statutes of 1907, being a section of the present food law.

Requires the percentage of alcohol to be stated on food.

Requires net weight or measure to be stated on food.

Prohibits the putting of gifts, premiums or prizes in packages.

## SENATE BILL NO. 346.

By Mr. King, February 25th.

Committee on Judiciary.

Amends the present food law of Nebraska.

(1) It requires the percentage of alcohol to be stated on all articles of food.

(2) It requires the net weight or measure to be stated on packages.

(3) It makes it unlawful to put any gifts, premiums or prizes in packages.

## HOUSE BILL NO. 188.

By Mr. Leigh, Jan. 26, 1909.

Referred to Committee on Miscellaneous Subjects.

Is a bill to regulate the sale of vinegar and makes standards for same.

This bill has passed the House and the Senate.

## HOUSE BILL NO. 196.

By Mr. Miller, Jan. 28, 1909.

Referred to Committee on Agriculture.

Relates to the sale of agricultural seeds and commercial feeding stuffs, etc.

This bill has been indefinitely postponed.

## HOUSE BILL NO. 222.

By Mr. Kraus, Jan. 29, 1909.

Referred to Committee on Judiciary.

Is a general food, drug and drink law.

It is intended to repeal the present food law of Nebraska.

This bill has been recommended for indefinite postponement.

## HOUSE BILL NO. 272.

The above bill provides that all bread bakes in and sold in Nebraska shall be sold by weight. All loaves shall be one or two pounds and each bakery shall stamp each loaf with the initial letter of the name of the bakery where the same is made. This bill does not apply to biscuits, buns or fancy bread weighing less than  $\frac{1}{4}$  of a pound.

## HOUSE BILL NO. 303.

By Mr. Howman, Feb. 5, 1909.

Referred to Committee on Medical Societies.

It is a bill to amend the present food law of Nebraska.

Section 9820 provides that the report of the department shall be printed and published and that the deputies shall furnish to the clerk of each county of the state certified lists of all adulterated foods, food products, liquors, beverages, remedies and medicines, as found by any analysis, showing the name and brand of the article, the manufacturer and the name of the injurious adulterant.

Section 9821 Proposes to give the deputies power to determine whether an article of food is adulterated or misbranded within the meaning of the act and on their own finding of facts and their own interpretation of the law.

This bill has been recommended for passage in an amended form.

## HOUSE BILL NO. 310.

By Mr. Killen, Feb. 6, 1909.

Referred to Committee on Medical Societies.

It is identical with Senate Bill No. 259.

It requires every food product to be labeled with a statement of the city, and state, territory, place or country in which said article is manufactured or produced.

It requires a statement of the proportion of alcohol in any article of food or beverage to be stated on the label.

It requires net contents, weight or measure to be stated on the label, of all goods in package form, other than canned goods and packages put up by the retailer.

It requires the true quantity to be stated on the container of all liquids other than medicine.

It makes it illegal to put any presents, premiums or prizes in packages.

Sixth: It does not recognize that an article sold under a distinctive name should be exempt from the misbranding features of the law, unless said article contains a statement of the place where it has been manufactured or produced, and the ingredients of the same are stated on the label.

This bill has been indefinitely postponed.

## HOUSE BILL NO. 344.

By Mr. Wilson, February 9, 1909.

Referred to Committee on Miscellaneous Subjects.

Is a bill intended to prevent the use of marks, cans, bottles, etc., used on dairy products by any person not lawfully entitled to use such marks, cans, bottles, etc.

## HOUSE BILL NO. 400.

By Mr. Kraus, February 17th.

Referred to Committee on Manufacturing and Commerce. Relates to Oleomargarine and imitation dairy products interested in same.

This bill has been recommended for passage in an amended form.

## HOUSE BILL NO. 467.

By Mr. Moore, February 24.

Referred to Committee on Judiciary.

Amends the food law of Nebraska.

(1) It provides that the state, territory, place, or country where the article is produced shall be stated on the label.

(2) It provides that the percentage of alcohol shall be stated on foods.

(3) It provides that the net weight or measure shall be stated.

(4) It provides that premiums, gifts or prizes shall be prohibited.

This bill has been reported for general file.

## HOUSE BILL NO. 486.

By Mr. Smith.

Committee on Miscellaneous Subjects.

Amends the present food law of Nebraska.

(1) It requires the proportion of alcohol in foods to be stated on the label.

(2) It requires weight or measure to be stated on packages.

(3) It makes it unlawful to put premiums, gifts or prizes in packages.

## HOUSE BILL NO. 505.

By Mr. Boyd, February 25.

Referred to Committee on Miscellaneous Subjects.

Amends the present food law of Nebraska and is objectionable as follows:

(1) It requires proportion of alcohol used in foods to be stated on the label.

(2) It requires net weight or measure to be stated on packages.

(3) It makes it unlawful to place gifts, premiums or prizes in packages.

## HOUSE BILL NO. 572.

Relates to the sale of vinegar.

## HOUSE BILL.

By Mr. O'Brien, Feb. 17, 1909.

The above bill is a substitute for House Bill No. 222, which was recommended for indefinite postponement.

**Nevada.**

## SENATE SUBSTITUTE FOR ASSEMBLY BILL NO. 48.

Section 3 provides that the standard of purity of foods, drugs and liquors shall be that proclaimed by the Secretary of the United States Department of Agriculture.

## HOUSE BILL NO. 48.

By Mr. Bulmer, Jan. 1, 1909.

Referred to Committee on Trade and Manufacture. Was amended by the Committee and favorably reported.

Relates to the sale of food, drinks and drugs, for man or other animal.

Section 6. Authorizes the Nevada Agricultural Experiment Station to fix standards.

Section 6. Provides that the results of all analyses and the names of the persons from whom obtained, shall be published in bulletins of the Station.

This bill as amended has passed both Houses and now before the Governor for his signature.

**New Hampshire.**

## HOUSE BILL NO. 107.

By Mr. Osgood.

Referred to Committee on Public Health.

Relates to dairy products.

The Committee has reported that it is inexpedient to legislate on above bill.

## HOUSE BILL NO. 109.

By Mr. H. E. Dunnington.

Referred to Committee on Public Health.

Relates to dairy products.



## HOUSE BILL NO. 110.

By Mr. Dunnington.

Referred to Committee on Public Health.

Is a bill to amend Section 1 of the present Ice Cream Law of New Hampshire, so as to read as follows:

"No person shall manufacture for sale, keep for sale, sell, exchange, barter or deal in Ice Cream which shall contain any substance other than milk, cream, eggs, sugar, some natural flavoring and not more than one-tenth of one per cent of filler, or which shall contain less than 14 per cent butter fat."

This excludes gelatine.

This bill has passed the House and the Senate with an amendment allowing 1/5 of 1% of filler instead of 1/10 of 1% as originally provided by this bill.

## HOUSE BILL NO. 236.

By Mr. Cross.

Referred to Committee on Public Health.

Is a bill to establish standards for foods for the state of New Hampshire.

It fixes a standard for the following items:

Lard, Milk, Milk Fat, Butter, Cream, Cheese, Flour, Gluten Flour, Corn Meal, Oatmeal, Rye Flour, Buckwheat Flour, Preserves and Jam, Jelly.

Prohibits Coal Tar Color and Saccharin in Jellies, Jams and Pickles.

Prohibits coal tar color and saccharin in Pickles, Sweet Pickles and Catsup.

Establishes standards for:

Sugar Syrup, Maple Syrup, Honey, Allspice, Pimento, Cayenne Pepper, Paprika, Ground Cinnamon, Cloves, Ginger, Limed Ginger, Mace, Ground Mustard, Prepared Mustard, French Mustard, Nutmeg, Pepper, Black Pepper, Flavoring Extracts, White Pepper, Almond Extract, Anise Extract, Celery Seed Extract, Cassia Extract, Cinnamon Extract, Clove Extract, Ginger Extract, Lemon Extract, Oil of Lemon, Nutmeg Extract, Peppermint Extract, Rose Extract, Savory Extract, Spearmint Extract, Sweet Basil Extract, Sweet Marjoram Extract, Thyme Extract, Tonka Extract, Vanilla Extract, Wintergreen Extract, Olive Oil, Cottonseed Oil, Tea, Chocolate, Coffee, Sweet Chocolate, Cocoa, Sweet Cocoa, Apple Juice, Sweet Cider, Wine, Dry Wine, Fortified Wine, Sweet Wine, Sparkling Wine, Modified Wine, Malt Liquor, Beer, Lager Beer, Malt Beer, Ale, Porter, Distilled Spirit, Alcohol, New Whisky, Whisky, Rye Whisky, Bourbon Whisky, Corn Whisky, Blended Whisky, Scotch Whisky, Irish Whisky, New Rum, Rum, New Brandy, Brandy, Cognac, Vinegar, Cider Vinegar, Wine Vinegar, Malt Vinegar, Sugar Vinegar, Glucose Vinegar, Spirit Vinegar, Table Salt, Celery Salt, Baking Powder, Sausage, Mincemeat.

This bill has been indefinitely postponed by the Committee.

## HOUSE BILL NO. 237.

By Mr. Cross.

Referred to Committee on Public Health.

Relates to the proper sanitation of places where food or food products are manufactured. It affects only places in New Hampshire. This bill has passed the House and Senate.

## HOUSE BILL NO. 392.

By Mr. Keenan.

Referred to Committee on Judiciary.

Is a bill to prevent the refilling of bottles without the consent of the owner of such bottles.

## HOUSE BILL NO. 520.

By Committee on Public Health.

Amends Food and Drug Law of 1907 relating to penalty for violation of said law.

## HOUSE BILL NO. 521.

Gives an inspector power to examine food products for the purpose of detecting adulteration.

**New Jersey**

## SENATE BILL NO. 39.

By Mr. Freylinghuysen, Jan. 25, 1909.

Referred to Committee on Public Health.

Relates to dairy products. This bill has been favorably reported.

## SENATE BILL NO. 47.

By Mr. Brown, Jan. 25, 1909.

Referred to Committee on Public Health.

Relates to dairy products.

## SENATE BILL NO. 142.

By Mr. Brown.

Referred to Committee on Public Health.

It is a sanitary regulation affecting those maintaining establishments in New Jersey.

## HOUSE BILL NO. 231.

By Mr. Ginnelley, Feb. 23.

Referred to Committee on Public Health.

Requires any article of food packed in an air-tight container to be labeled with the year during which such product was prepared. If the container is made of metal the date shall be stamped or indented in the metal of the container.

**New Mexico.**

## HOUSE BILL NO. 138.

By Mr. Chavez.

Provides that hereafter no license shall be required to sell cider made from apples nor wine made from grapes grown in New Mexico.

**New York.**

## SENATE BILL NO. 1.

By Mr. Davis, Jan. 13, 1909.

Referred to Committee on Judiciary.

Is an act to consolidate the Agricultural Laws of New York.

## SENATE BILL NO. 81.

By Mr. Cobb, Jan. 8, 1909.

Referred to Committee on Codes.

Is a bill to amend sections 580 and 581 of the penal code of New York as follows:

"580. Using false weights, measures, etc.—A person who, by himself or by his servant or agent, or as the servant or agent of another, uses a weight, measure, or other apparatus that is false or that has not been sealed by a scaler of weights and measures within one year, for determining the quantity of any commodity, or articles of merchandise, or sells or exposes for sale less than the quantity he represents, or sells or offers for sale any commodity or article of merchandise in a manner contrary to law, is guilty of a misdemeanor.

"581. Keeping false weights—A person retains in his possession any weight, measure, or other apparatus that is false, or unsealed, unless it appears beyond a reasonable doubt that it was so retained without intent to use it, or permit it to be used in violation of the last section, is guilty of a misdemeanor."

## SENATE BILL NO. 82.

By Mr. Cobb, Jan. 6, 1909.

Referred to the Committee on Judiciary.

Is an act to amend the domestic commerce law of New York (Chap. 376, Laws of 1896) so as to read as follows:

"15-b. Any commodity of consumption for man or beast put up or sold or intended to be sold with a container shall have the net contents in terms of weight, numerical count, or measure plainly marked, branded or otherwise affixed on the outside of the container, in characters at least one-eighth of an inch in height.

"This act shall take effect on October one, nineteen hundred and nine."

This measure would require every manufacturer doing business in New York State to weigh, measure or count all his products.

All liquids would have to be measured and the measure stated on the container; all articles sold by weight would have to be weighed into the containers and the net weight stated on the container; all articles sold by count would have to be counted and the exact count put on each package.

No allowance is made for shrinkage.

The variation in bottles is not considered.

The fact that packages may average correctly is not considered.

## SENATE BILL NO. 83.

By Mr. Cobb, Jan. 6, 1909.

Referred to Committee on Judiciary.

Is a bill to require all ice, coal, coke, butter, lard, meats and meat products (except offal, head and plucks) poultry, or wild game to be sold by standard weight.

And all fruit and farm produce to be sold by standard weight or numerical count.

And all milk or cream that shall be sold in bottles to be sold only in bottles of legalized standard liquid measure.

And all other dry commodities for consumption to be sold by standard weight, standard dry measure, or numerical count.

And all other liquid commodities for consumption to be sold only by standard weight or standard liquid measure.

## SENATE BILL NO. 379.

By Mr. Platt, Feb. 15.

Referred to Committee on Judiciary.



Amends the general law of New York in relation to standard measures and regulating the manufacture of containers. It requires that fruit shall be sold by weight or dry measure and is companion bill of House Bill No. 596.

SENATE INT. 511.

Referred to Committee on Public Health.

Repeals Sections 40 and 44 and Section 50 of the Public Health Laws which relate to adulteration. It is the same as House Int. 823.

HOUSE BILL NO. 31.

By Mr. Phillips, Jan. 13, 1909.

Referred to Committee on Judiciary.

Is a bill to consolidate the liquor traffic laws of New York.

HOUSE BILL NO. 42.

By Mr. Phillips, Jan. 13, 1909.

Referred to Committee on Judiciary.

Is a bill to consolidate the laws relating to the public health.

Does not attempt to create any new law, but simply consolidates laws already existing.

HOUSE BILL NO. 96.

By Mr. Filley.

Referred to Committee on Codes.

Bill relates to weights and measures and is same as Senate Bill No. 81.

HOUSE BILL NO. 138.

By Mr. Filley, Jan. 14, 1909.

Referred to Committee on General Laws.

This bill is a copy of Senate Bill No. 83.

Requires net weight, measure or count to be stated.

HOUSE BILL NO. 139.

By Mr. Filley, Jan. 14, 1909.

Referred to Committee on General Laws.

Requires all commodities to be sold by weight, measure or count, and is same as Senate Bill No. 82.

HOUSE BILL NO. 457.

By Mr. Cuvillier.

Referred to Committee on Public Health.

Is a general food, drink and drug law.

It follows the National Food Law closely.

Section 10 of this bill, which is the same as Section 10 of the National Food Law, provides for the seizure of goods.

HOUSE INT. 823.

By Mr. Wood, March 2.

Referred to Committee on Public Health.

A bill to repeal Sections 40 to 44 and Section 50 of Chapter 49 of the laws of 1909 entitled "An Act in Relation to the Public Health Constituting Chapter 45 of the Consolidated Laws.

**North Carolina.**

The North Carolina Legislature adjourned March 12.

HOUSE BILL NO. 164.

By Mr. Perry.

Referred to Committee on Education.

Provides for a tax of fifty dollars a year on all manufacturers of soft drinks containing caffeine.

It imposes a tax of five dollars a year on all retail dispensers of soft drinks containing caffeine.

HOUSE BILL NO. 281.

By Mr. Currie, Jan. 22, 1909.

Referred to Committee on Agriculture. Reported favorably Jan. 27.

HOUSE BILL NO. 839.

By Mr. Currie.

Provides for standard weight packages of meal and flour and to prevent the sale of same in short weight packages. It provides that the weight shall be stated on meal or flour and also a statement as to whether the meal or flour is bolted or unbolted.

HOUSE BILL NO. 1083.

By Mr. Morton.

A bill to provide that "An Act to prohibit the manufacture and sale of Intoxicating Liquors in North Carolina," passed on the 31st day of January, 1908, shall not be construed to prohibit the manufacture or sale of malt beverages or liquors which are not intoxicating. And it is provided that all beverages or liquors which contain 2 per cent or less of alcohol shall be deemed to be non-intoxicating.

**North Dakota.**

The Legislature adjourned March 10th, and passed the two (2) following Food Bills:

SENATE BILL NO. 67.

By Mr. Kennedy.

Referred to Committee on Judiciary.

"Is a bill for an act providing for the sanitation of places where food is prepared, manufactured, stored or distributed, et cetera. The Bill is identical with every material feature of Senate Bill No. 47 in the California Legislature. The North Dakota Bill puts the enforcement of the act in the hands of the 'chief inspector or deputy inspector or any agent of the food commissioner of the experiment station at Fargo.' It provides that any person who violates any of the provisions of the act 'or who refuses to comply with any lawful order or requirement of the food commissioner made in writing' shall be guilty of a misdemeanor and punished for the first offense by a fine of not less than \$10 nor more than \$50; for the second offense by a fine of not less than \$50 nor more than \$100, and for the third and subsequent offenses, by a fine of \$200 and imprisonment in the county jail for not less than thirty nor more than ninety days; 'and each day after the expiration of the time limit for abating unsanitary conditions and complete improvements to abate such conditions as ordered by the food commissioner at the experiment station at Fargo shall constitute a distinct and separate offense.'"

The above bill has passed the Senate and the House.

HOUSE BILL NO. 307.

By Mr. Duncan.

Relates to dairy products and has passed the House and the Senate.

**Ohio.**

The Legislature of Ohio adjourned March 12 and passed the two following Food Laws:

SENATE BILL NO. 112.

By Mr. Rathburn.

Amends Section 3 of the food law passed March 20, 1884, as amended April 22, 1890, April 20, 1904, April 2, 1906, and May 1, 1908, by adopting the Federal Standards for Flavoring Extracts.

The law provides that an extract shall be deemed to be adulterated if it is sold under any of the names for flavoring extracts contained in the U. S. Standards and it differs in any way from the U. S. Standards for such a flavoring extract. The U. S. Standards are set out and adopted and made a part of the law and the original Section 3, now contained in the food law, is repealed in so far as it relates to flavoring extracts.

This bill passed both Houses and was signed by the Governor and is now a law and is printed in this issue of this Journal.

HOUSE BILL NO. 15.

By Mr. Reynolds.

Referred to Committee on Dairy and Food.

Is a sanitary regulation measure.

This bill has passed both Houses and been signed by the Governor and is now the law. It is published in another part of this issue.

**Oklahoma.**

The Oklahoma Legislature adjourned March 13.

SENATE BILL NO. 85.

By Mr. Stafford.

Relates to mill products and to all feed made from cereals of any kind.

SENATE BILL NO. 54.

Establishes the weight for bushels of grain.

HOUSE BILL NO. 325.

By Mr. Japp.

Prohibits the fraudulent substitution of any inferior article in packages of food or merchandise for the purpose of fraudulently increasing the weight thereof and defrauding the customer by such means in the weight of the commodity.

HOUSE BILL NO. 404.

It is a general food, drink and drug bill.

First: Section 4 provides that "the standard of purity of foods shall be that promulgated by the Secretary of the Department of Agriculture of the United States." This should be opposed, because those standards have been found to be not workable or practical or practicable standards and they are entirely too inflexible.

Second: Paragraph 12 provides that any hotel, tavern, restaurant, or boarding house serving any food defined as



compound, imitation, or blend (except coffee), renovated butter, imitation cheese, adulterated milk, or adulterated lard, shall print a bill of fare giving a list of the foods so served and giving the brands or labels upon the original package and show the constituent parts of such food articles.

Third: Section 16 makes it unlawful to sell any article of food to which has been added, among other things, benzoate of soda, salicylic acid, saccharine, or alcohol.

Fourth. Section 33 provides: "Before any manufacturer or proprietor of any patent, proprietary, or secret preparation, or product of any article of food, drug, or medicine, or any substance used in the preparation of food, drug, or medicine, or any substance used in preparation, shall sell or expose or offer for sale or exchange within this state any such patent, proprietary, or secret preparation or product, he shall first file with the said Commissioner of Health a formula showing the constituent ingredients of each and every patent, proprietary, or secret preparation, product, or article, and shall pay a filing fee therefor in a sum to be fixed by said commissioner not to exceed thirty dollars for each formula so filed; and if shall appear to said commissioner from such formulas that such preparation, product, or article is not in violation of this act, he shall issue a permit for the sale of such article, provided that such formulas shall not be subject to examination by the public, except where the same may be material evidence in a court of competent jurisdiction."

This bill has passed the House with Section 33 cut out of bill, and Senate Committee has recommended it to pass, and is scheduled to pass.

#### HOUSE BILL NO. 430.

Relates to creating a dairy commission and has passed the House, and is scheduled to pass.

#### Oregon.

The Oregon Legislature adjourned sine die March 1st.

#### SENATE BILL NO. 112.

Relates to Concentrated Stock Food.

This bill has passed the House and is a law.

#### SENATE BILL NO. 126.

Is intended to prevent the sale and manufacture of bleached and misbranded cereals.

#### HOUSE BILL NO. 195.

By Mr. Hughes, Jan. 27, 1909.

Relates to baking powder and provides that all baking powder shall have printed on the label, in plain English, the name of all of the ingredients composing said baking powder.

This bill has passed the house and is recommended to pass the Senate.

#### HOUSE BILL NO. 285.

By Mr. McDonald, Feb. 4, 1909.

Is a general food law.

The third paragraph of Section 2 requires the true weight or net measure and the true class or grade of the product to be stated on the package, bottle or container in type no smaller than 8-point brevier caps.

Section 3 permits the use of benzoate of soda only in cider, tomato catsup, fruit jams, jellies or preserves. But it contains a provision which would permit the food commissioner to prohibit benzoate of soda in any of the foregoing articles at any time he might determine (whether rightly or not) that they could be marketed without the use of Benzoate of Soda.

Section 9 permits the food commissioner to seize articles of food or drink and hold them until a court determines whether they are legal or not, in case any person is arrested in connection with the seizure. But if no person is arrested it permits the commissioner to hold the goods until he analyzes them, and if he finds from his analysis that they are unwholesome or unfit for food, or misbranded, the commissioner shall destroy the same. It makes the commissioner the sole judge of whether such food or drink is unwholesome or misbranded. This section also authorizes the commissioner to seize goods and determine himself whether they are adulterated or misbranded, and to mark them as he thinks they should be marked and return them to the person from whom they were taken. On February 15 Committee postponed action indefinitely.

#### Pennsylvania.

#### SENATE BILL NO. 3.

By Mr. Gerberich, Jan. 25, 1909.

Referred to Committee on Public Health and Sanitation.

Is a bill relating to "food" only, and intended to prevent the adulteration or misbranding of same.

It was drawn up by the Food Commissioner.

Section 1. Makes it an offense to sell food adulterated or misbranded within the meaning of the Act.

Section 2. Defines "food" and Person.

Section 3. This section defines "adulteration" by four paragraphs.

The fourth paragraph reads as follows:

"If it be mixed, colored or changed in color, coated, polished, powdered, stained or bleached whereby damage or inferiority is concealed, or so that it may deceive or mislead the purchaser, or if by any means it is made to appear better or of greater value than it is, or if it is colored or flavored in imitation of the genuine color or flavor of another substance."

Fifth. This paragraph prohibits the use of added boric acid or borates, salicylic acid or salicylates, formaldehyde, hydrofluoric acid or fluorides, fluoborates, fluosilicates, or other fluorine compounds, dulcin, glucin, saccharin, caffeine, betanaphthol, abastol, asapol, oxides of nitrogen, nitrous acid, or nitrites, pyroligneous acid, or other added ingredients deleterious to health.

Sixth. This paragraph contains a proviso that articles not adulterated under paragraphs 4, 5 and 6, and not misbranded under the Act, and containing no filler or ingredients which debases without adding food value, may be sold if branded or tagged so as to show the character and composition thereof.

Section 4 defines misbranding in paragraphs.

First. This paragraph absolutely prohibits the sale of an imitation article, and nowhere else in the Act is this modified in any way.

Second. This paragraph says that an article is misbranded "if it be labeled or branded so that it may deceive or mislead, etc."

Section 5. This provides that when a sample is taken and found to be misbranded or adulterated the dealer shall be notified before prosecution, but not the manufacturer.

Section 6. This section defines what shall be deemed to be the "same article."

#### SENATE BILL NO. 4.

By Mr. Gerberich.

Relates to dairy products. This bill has passed the Senate.

#### SENATE BILL NO. 5.

By Mr. Gerberich.

Prohibits the sale, or use in food or as food of eggs that are unfit for food, and provides that they shall be deemed unfit for food when they are partly or wholly decayed or decomposed. This bill has passed the Senate and the House.

#### SENATE BILL NO. 6.

By Mr. Gerberich, Jan. 25, 1909.

Relates to the sale of non-alcoholic drinks. It has been agreed to by the Bottlers of Pennsylvania. This bill has passed the Senate and House and signed by the Governor.

#### SENATE BILL NO. 7.

By Mr. Gerberich.

Relates to cold storage poultry, game and eggs.

#### SENATE BILL NO. 8.

Relates to the sale of ice cream.

It fixes the standard for ice cream at 8 per cent of butter fat and 6 per cent in case nuts or fruit are used.

It permits of the use of eggs, gelatine, or gum tragacanth or other vegetable gums.

This bill has passed the Senate and is on third reading in the house.

#### SENATE BILL NO. 10.

Relates to sale of lard. This bill has passed the Senate and the House.

#### SENATE BILL NO. 18.

Relates to weights and measures.

#### SENATE BILL NO. 116.

By Mr. Wiebert.

Amended on third reading.

Prohibits the adulteration of liquor and requiring correct labeling.

#### SENATE BILL NO. 118.

By Mr. Gerberich, Feb. 24.

Relates to alcoholic liquors. It does not establish any standards.

#### HOUSE BILL NO. 8.

Relates to the sale of Ice Cream.



## HOUSE BILL NO. 452.

By Mr. Malone.  
Feb. 3, 1909.

Referred to Committee on Labor and Industry.

Requires that the year of canning be stamped or blown on the bottom of every can containing goods for human consumption.

## HOUSE BILL NO. 438.

By Mr. W. J. Barton, of Philadelphia, Feb. 3, 1909.

Referred to Committee on Judiciary Special.

Is a bill to prevent the giving of short weight or measure in selling any articles of commerce.

It does not require that the net weight or measure be stated, but simply requires that the consumer get the weight or measure to which he is entitled or which is represented to him as the weight or measure he is getting.

One feature of the bill is that the weight or measure is deemed to be the net weight or measure and shall not include the weight of the container. That is when a box is marked one pound, under the law, it must contain one pound of food, not including the weight of the box.

## HOUSE BILL.

By Mr. Thompson, Feb. 25.

Is a general food law. It applies to food only and prohibits the adulteration or misbranding of food.

H. R. P. 701.

By Mr. Thompson, Feb. 22.

Referred to Committee on Public Health, etc.

Prevents the adulteration or misbranding of alcoholic liquors.

H. R. P. NO. 858.

By Smith, Feb. 25.

Referred to Committee on Ways and Means.  
Relates to the sale of Oleomargarine.

**South Carolina.**

The Legislature of South Carolina has adjourned, March 5.

## SENATE BILL NO. 240.

Jan. 28, 1909.

Referred to Committee on Commerce and Manufacture.

Is a bill aimed to prevent the refilling of bottles used in the sale of soda water, mineral water, beers and other drinks.

The bill provides that it shall be required for any corporation engaged in the manufacture, bottling or selling of soda waters, beers, milk, creams, etc., to file with the clerk of court of county in which business is done, also with the secretary of state, a description of the name, marks or devices so used in this line of business and such descriptions shall be printed in the newspapers of the county once each week for three weeks.

It shall be unlawful, under this act, to fill with any other article than the one which was originally intended should go in the bottles, kegs, etc., any articles of a nature described above. The purport of the bill is to protect the firms whose mark appears originally upon the containers.

**South Dakota.**

The South Dakota Legislature adjourned March 6th.

## SENATE BILL NO. 143.

Is about like the National Food Law; contains no standards; places the enforcement of the Drug clause in a state board of pharmacy.

## SENATE BILL NO. 271.

By Mr. Bobb (by request).

This bill to amend the present food law of 1907, as follows:

"Section 1 by striking out the figures (\$1,600.00) in the last line of said section and inserting (\$1,800.00) in lieu thereof.

"Section 10 by adding after the word 'food' in line four the words 'or drugs' and after the word 'restaurant' in line six insert the words 'merchant, druggist.'

"Section 35, subdivision fourth in line nine before the word 'omrphine' and after the word 'any' in line eight, insert the word 'alcohol.'

"Section 36 in line two, after the words 'preceding section' add the letter 's' to the word section making it read 'preceding sections.'"

This is an exact duplicate of House Bill 345 introduced by Mr. Mertens (by request) and was killed in House by committee.

## SENATE BILL NO. 314.

Introduced by Committee on Public Health.

A general food and drink bill.

It follows the National Law closely, but differs from it in some respects, as follows:

Sec. 6 provides that an article shall be deemed to be misbranded if it is not branded as to the state, territory or country in which it is manufactured or produced. This requirement is contained in the 6th line of the first paragraph of Section 6 and also in the 4th line of the 4th paragraph of the same section.

The second paragraph of the proviso beginning in the 4th paragraph of Sec. 6 requires that compounds, imitations or blends, shall be labeled with the percentage of each ingredient contained therein before they are entitled to the benefits of the proviso.

Sec. 8 provides for the seizure of adulterated or misbranded foods, but makes no provision for paying the dealer if his goods deteriorated in value or rot or decay while seized by the state, and such dealer wins his case, either on the trial in the lower court or on appeal. In other words, whether a dealer wins his case or not he gets nothing for the value of his goods in case they are lost.

This bill has passed the Senate.

This bill has passed the House with an amendment providing that flour brought into the state must be branded with the name of the manufacturer and the place where manufactured.

The bill has been signed by the Governor and is now the law.

## HOUSE BILL NO. 369.

By Mr. Hefferman.

Amends the laws relating to weights and measures. It does not require weight or measure to be stated.

This bill has passed the House and Senate.

## HOUSE BILL NO. 388.

By Mr. Crumbo.

It relates to dairy products standard for Ice Cream, are as follows:

"Ice cream is a frozen product made from cream and sugar, with or without a natural flavoring, and contains not less than fourteen (14) per cent of milk fat.

"Fruit ice cream is a frozen product made from cream, sugar and sound, clean, mature fruits, and contains not less than twelve (12) per cent of milk fat.

"Nut ice cream is a frozen product made from cream, sugar and sound, non-rancid nuts, and contains not less than twelve (12) per cent of milk fat."

This bill has passed the House with an amendment and has been referred to the Senate Committee on Public Health.

**Tennessee.**

## SENATE BILL NO. 211.

By Mr. Mansfield.

Is a general revenue bill. It declares the selling of soft drinks to be a privilege and fixes the taxation for conducting the same as follows: In towns of twenty-five thousand population or over—\$75; in towns over five thousand and under twenty-five thousand—\$40; in towns of over two thousand and under five thousand—\$15; in all other places outside of cities as above—\$5. This tax is in lieu of all other taxes except ad valorem. The bill has been referred to the Finance Committee.

## SENATE BILL NO. 294.

By Mr. Howse.

Referred to Committee on Judiciary.

Is an act to amend Chapter 297 of the Acts of 1907, as follows:

To Section 1 the following words are added:

"That before the grand juries of the several counties of the state shall take cognizance of or investigate any violations of this act, the person, firm or corporation charged with the violation of this act shall be cited before the chief pure food and drug inspector to show cause why he or they should not be held liable or prosecuted for the violation of said act."

To Section 2 is added, after the words, "United States Pharmacopoeia," the words "and National Formulary."

Section 7 is amended so as to provide for the appointment of two assistant pure food and drug inspectors.

Section 9 is amended so as to create a commission composed of the food chief inspector, president of State Board of Health and president of State Board of Pharmacy. Which commission shall create rules and regulations for the enforcement of the act. This bill has been rejected by the Senate, but House Bill No. 377, which is identical, is still pending in the House.

## SENATE BILL NO. 398.

By Mr. Neal.

This bill is identical with House Bill No. 536, printed below.



HOUSE BILL NO. 377.

By Mr. Wilkerson.

Referred to Committee on Sanitation.

Is a duplicate of S. B. 294.

HOUSE BILL NO. 536.

By Mr. Chester and Mr. Puryear.

This bill is identical with Senate Bill No. 398, and was suggested by Mr. Cucius Brown, a state food and drug inspector, and is a bill to amend the present food law of the state so as to give him the right to establish and maintain an office and laboratory in Nashville and relates also to his expenses.

**Texas.**

SENATE BILL NO. 44.

By Mr. Hayter.

Has been recommended for passage.

This bill amends the present food law of Texas.

Relates to food, drink, flavoring extracts, confectionery and condiments used by man. And to all drugs used by men or for animals.

Section 1 and 2 follows National Food Law.

Section 3 and 4 follows National Food Law.

Section 5 makes it unlawful to sell any cider not produced wholly from the juice of the fruit.

Section 6 reads as follows:

"It shall be unlawful for any person to manufacture, sell, offer or expose for sale, or exchange any article of food to which has been added formaldehyde, boric acid, or borates, benzoic acid or benzoates, sulphurous acid or sulphites, salicylic acid or salicylates, abradol, beta-nepthol, fluorine compounds, saccharine, alcohol, dulcin, glucin, cocaine, caffeine, theine or any preparation of lead, copper, sulphuric acid or other mineral acid or other ingredient injurious to health; provided that nothing in this act shall be construed as prohibiting the sale of catsups, sauces, concentrated fruits, fruit juices, and like substances, preserved with 1-10 of one per cent of benzoate of soda or the equivalent benzoic acid, when a statement of such fact is plainly indicated upon the label; provided, further that the oxides of sulphur may be used for bleaching and refining food products."

Section 7 requires a formula on all baking powder, and it must contain not less than 10 per cent available carbon dioxide.

Section 8 relates to milk.

Section 9 provides for milk inspection.

Section 10 provides that a guaranty may be given by any resident of the state or United States.

Section 11 provides a fine for violation of the act.

Section 12 provides for appointment of dairy and food commissioner, but provides that he must be a practical analytical chemist and bacteriologist.

This would preclude a practical person from being commissioner unless he was a chemist and bacteriologist.

Section 13 gives the governor power to remove the commissioner for cause.

Section 14 provides for the appointment of an assistant commissioner.

Section 16 provides for a stenographer.

Section 17 provides for inspectors.

Section 18 provides for payment of salaries.

Section 19 provides for offices, etc.

Section 20 provides for the taking of samples and contains the following provision:

"It shall also be the duty of the Dairy and Food Commissioner to formulate, publish and enforce such rules and regulations as may be necessary to enforce this act, and he shall adopt the standards for foods, food products, beverages, drugs, etc., and the method of analysis authorized as official by the United States Department of Agriculture of the National Food Commission in so far as they are applicable in the light of modern discovery and research."

Section 24 follows the National Food Law.

Section 25 gives the commissioner and his inspectors power to seize any goods they consider illegal.

Section 26 provides that the law shall take effect as soon as enacted.

The above bill has been amended as follows:

"In the first and second lines of the title strike out the words 'amend chapter 39, acts of the general laws of the thirtieth legislature entitled an act.' After the word 'duties' in the sixth line of the title of the typewritten bill in your possession insert 'and repealing chapter 39 of the laws of the thirtieth legislature.' Strike out all of section 1a. On page 5, in the sixth line of section 6, strike out the words

'caffeine, theine.' Insert a new section 26 as follows: 'Section 26. The act passed by the thirtieth legislature and designated in the general laws of the regular session of the thirtieth legislature as chapter 39 be and the same is hereby repealed.' Change the number of section 26 to 27."

The House has adopted an amendment to this bill relating to the expenses of the food commissioner, limiting his expenses to \$100 per month, which virtually kills the bill.

HOUSE BILL NO. 68.

By Mr. R. L. Cable.

Is a bill to levy occupation tax on all retail dealers in non-intoxicating malt liquors, such as "Uno," "Ino," "Frosty," "Tin-top," and "Tetotal."

The bill exempts, however, druggists who sell proprietary remedies and such things as malt extract, malt medicine and malt and iron.

The bill levies upon all firms, persons, etc., selling at retail non-intoxicating malt liquors an annual state tax of \$2,000, and provides that counties and incorporated cities and towns may, in addition, levy an annual tax of not exceeding \$1,000 upon any such person, firm or corporation.

HOUSE BILL NO. 28.

Passed both houses with amendment striking out words "or any substance physiologically potent" and eliminating prohibition against saccharin, caffeine and theine, also cutting out prohibition against lime and sulphur in syrup bleaching, and has been sent to the Governor.

**Utah.**

SENATE BILL NO. 56.

By Mr. Gardner, Feb. 2, 1909.

Referred to Committee on Manufacturings and Commerce and Judiciary Committee.

Is a bill relating to intoxicating liquor licences.

Section 1258 makes any patent or proprietary medicines, classed by the United States Commissioner of Internal Revenue as subject to Internal Revenue special tax on liquor, subject to the provisions of the law and would compel a manufacturer to take out a license before selling the same.

The same section again says that no person shall dispose of or give away any proprietary, patent or compound medicine classed by the Commissioner of Internal Revenue as subject to the United States Internal Revenue Tax as an intoxicating liquor, except upon the prescription of a licensed and practicing physician of this state.

SENATE BILL NO. 80.

By Mr. Williams.

Referred to Committee on Public Health.

Is an act creating a Dairy and Food Bureau, defining its duties, powers, etc.

Section 1 creates a State Dairy and Food Bureau to consist of 9 residents of the state. The Governor, State Chemist, Secretary of the State Board of Health, and State Dairy and Food Commissioner shall be members of the board. Five other members shall be appointed by the Governor, as follows:

One practical manufacturer or packer of food or food products; one practical farmer; one representative of the live stock and slaughter interests; one merchant engaged in the sale of food products, and one member shall be a non-producer of food products.

Section 2 gives the said bureau power to establish rules and regulations for the operation of creameries, butter and cheese factories, dairies, slaughter houses, confectioneries, bakeries, and all places where food is bought, sold, manufactured, prepared or stored. The rules and regulations thus established to conform as nearly as possible with the regulations promulgated by the Agricultural Department of the United States under the Food and Drugs Act, and also under the Meat Inspection Act.

Section 3 makes it an offense to violate any rules or regulations established by the said bureau.

Section 4 appropriates money for carrying out the law.

SENATE BILL NO. 136.

By Mr. Williams.

Provides that the term "cold storage fish," "cold storage butter," or "cold storage eggs," shall be stamped on all such products which have been in cold storage for more than three months.

SENATE BILL NO. 150.

By Mr. Marks, Feb. 20.

Referred to Committee on Public Health.

Provides that every package, or bottle or container, shall bear the name of the real manufacturer or jobber, the true



grade or class of the product and the true net weight or count or measure or volume of the container, or the capacity or trade size of the container.

The Committee has recommended this bill for passage.

#### HOUSE BILL NO. 164.

By Mr. Hausen (by request).

Referred to Committee on Public Health.

It is a general food and drink law.

Section 12 adopts the National Standards.

It excludes all chemical preservatives except salt, saltpetre, cane or beet sugar, vinegar, spices or wood smoke. Except that it allows benzoate of soda in cider, tomato catsup, fruit jams, jellies or preserves and such other articles as the board may determine to permit it in.

It prohibits saccharine.

#### HOUSE BILL NO. 172.

Abolishes the Board of Dairy and Food and Oil Commissioners and transfers the duties of this board to the State Board of Health.

#### HOUSE BILL NO. 225.

By Mr. McRae.

This bill is an act relating to and amending Section 729 of the Compiled Laws of Utah of 1907, relating to dairy and food commissioner, and creating the office of deputy dairy and food commissioner for the state of Utah. The committee has recommended that it do pass.

Washington Legislature adjourned March 12th.

#### Washington.

#### SENATE BILL NO. 116.

By Mr. Meyers.

Relates to the sanitation of food producing establishments.

This bill is an act relating to and amending Section 729 of the Compiled Laws of Utah of 1907, relating to dairy and food commissioner, and creating the office of deputy dairy and food commissioner for the state of Utah. The Committee has recommended that it do pass.

This bill has been recommended for passage.

#### SENATE BILL NO. 157.

By Mr. Williams, Jan. 29, 1909.

Referred to Committee on Educational Institutions.

Amends Section 9 of an existing food law of the state of Washington, so as to make it the duty of the Dean of the School of Pharmacy of the University of Washington, as well as the duty of the Chemist of the State Agricultural Experiment Station, to analyze food products, also providing compensation for both chemists. This bill has passed the Senate.

This bill has passed the House.

#### SENATE BILL NO. 213.

By Mr. Metcalf.

Amends Chapter 211 of the Session Laws of 1907, by adding the following to the definitions of adulteration:

"Seventh, if a wheat or cereal product that has been bleached or colored or made whiter by any electrical, chemical or acid device, or treatment whatsoever."

This bill passed the Senate amended so that the law should go into effect Oct. 1st, 1909.

#### SENATE BILL NO. 274.

By Mr. Meyers.

Prohibits the use of arsenic, strychnine and other poisons in food or other edible substance for the purpose of poisoning of rats.

#### HOUSE BILL NO. 85.

By Mr. Buchanan, Jan. 21, 1909.

Referred to Committee on Medicine, Surgery, Dentistry and Hygiene.

Is a bill to prevent adulteration of food and to prescribe sanitary conditions.

Section 1. Provides that foods shall be handled in a sanitary manner, and that inspectors shall have the right to inspect places where foods are kept.

Section 2 makes it unlawful to adulterate food.

Section 3 gives inspectors power to seize and confiscate any food they may think is adulterated, and without giving the owner of the food any trial in court.

Section 4 relates to sale of young calves.

Section 5 prohibits the use of anything in meat except spices, salt, saltpeter, clean water, sugar or cereal flour.

Section 6 prescribes sanitary conditions.

#### HOUSE BILL NO. 437.

By Mr. Young, Feb. 23.

Committee on Pure Foods and Drugs.

This bill has been indefinitely postponed.

#### West Virginia.

The West Virginia Legislature adjourned March 1. No new food laws passed.

#### SENATE BILL NO. 171.

Relates to the adulteration or sale of adulterated provisions.

#### Wisconsin.

#### SENATE BILL NO. 213, S.

By Mr. Barker, Feb. 10.

Referred to Committee on Public Health.

Relates to the sanitation of bakeries and confectioneries.

This bill has passed the Senate and has been referred to House Committee on Public Health.

#### SENATE BILL NO. 384, S.

By Mr. Donald, Feb. 23.

Referred to Committee on Agriculture.

Relates to the sale of unsanitary milk.

#### HOUSE BILL NO. 137, A.

By Mr. Towne, Feb. 3.

Referred to Committee on Agriculture.

Relates to dairy products.

#### HOUSE BILL NO. 286-A.

By Mr. Mortensen.

Feb. 5, 1909.

Referred to Committee on Public Health.

Relates to the sale of dairy products.

This bill has passed the House.

#### HOUSE BILL NO. 372, A.

By Mr. Georgi, Feb. 11.

Referred to Committee on Public Health.

Defines the terms "bakery," or "bakeries" or "baking establishment."

#### HOUSE BILL NO. 428, A.

By Mr. Ingram, Feb. 11, 1909.

Relates to intoxicating liquors, as follows:

"Section 1. There is added to the statutes a new section to read: Section 1557t. 1. No person shall expose or offer for sale or sell any malt, ardent or intoxicating liquors or drinks unless each package, barrel, keg or bottle containing the same shall have plainly marked thereon in English the names of and quantity of each ingredient used in the manufacture of such liquors or drinks. This section shall not apply to liquors or drinks shipped out of the state."

#### HOUSE BILL NO. 526a.

By Mr. Wells.

Referred to Committee on public health Feb. 16th.

Is a bill for the sanitation of food producing establishments.

#### HOUSE BILL NO. 529, A.

Mr. Kull, Feb. 16.

Referred to Committee on Public Health.

Transferred to Committee on Dairy and Food Matters.

It is a bill to adopt food standards for the state of Wisconsin.

These standards include standards prepared by a committee at the Food Commissioners' convention at Mackinac Island last year.

#### HOUSE BILL NO. 546, A.

By Mr. Reynolds, Feb. 16, 1909.

Referred to Committee on Public Health.

Prohibits the use of benzoic acid or benzoates in any article of food and to prohibit the sale of any article of food that has been bleached with oxides of nitrogen.

#### HOUSE BILL NO. 610.

By Mr. Towne, Feb. 18.

Referred to Committee on Dairy and Food.

Increases the number of food inspectors from 8 to 11.

#### HOUSE BILL NO. 747, A.

By Mr. Reynolds, Feb. 23.

Referred to Committee on Public Health.

Amends Sections 40600 and 40601 of the Statutes relating to foods and drugs.

The sixth definition of adulteration is to the effect that an article shall be deemed to be adulterated or flavored in imitation of the genuine color or flavor of another substance.

The bill also provides that all labeling of packages required shall be on the main label of each package and in such characters and such size of type as shall be uniform with the name of the brand or the name of the manufacturer or jobber and in terms so placed in consecutive order and grouped that the label may be plainly seen and read in its entirety by the purchaser using ordinary care.



## New Sanitary Law for Indiana

The parts in *this style type* are amendments recommended by the committee

A bill for an Act providing for the sanitation of bakeries, canneries, packing houses, slaughterhouses, dairies, creameries, cheese factories, confectioneries, restaurants, hotels, groceries, meat markets, and all other food producing establishments, manufactories or other places where food is prepared, manufactured, packed, stored, sold or distributed, and vehicles where food is placed for transportation; regulating the health of operatives, employes, clerks, drivers and all other persons working on the premises who handle the material from which food is prepared or the finished product; defining food, regulating the wholesomeness of food manufactured, prepared, packed, stored, sold, distributed or transported; defining the duties of *the state board of health* and the state food and drug commissioner; providing penalties for the violation thereof, and repealing acts in conflict therewith.

Section 1. Be it enacted by the General Assembly of the State of Indiana, That every building, room, basement, or cellar occupied or used as a bakery, confectionery, cannery, packing house, slaughter house, dairy, creamery, cheese factory, restaurant, hotel, grocery, meat market or other place or apartment used for the preparation for sale, manufacture, packing, storage, sale or distribution of any food, shall be properly lighted, drained, plumbed and ventilated and conducted with strict regard to the influence of such condition upon the health of the operatives, employes, clerks or other persons therein employed and the purity and wholesomeness of the food therein produced; and for the purpose of this act the term "food" as used herein, shall include all articles used for food, drink, confectionery or condiment, whether simple, mixed or compound and all substances or ingredients used in the preparation thereof.

Sec. 2. The floors, sidewalls, ceilings, furniture, receptacles, implements and machinery of every establishment or place where food is manufactured, packed, stored, sold or distributed, and all cars, trucks and vehicles used in the transportation of food products, shall at no time be kept in an unclean, unhealthful and unsanitary condition, and for the purpose of this act, unclean, unhealthful and unsanitary conditions shall be deemed to exist if food in the process of manufacture, preparation, packing, storing, sale, distribution or transportation is not securely protected from flies, dust, dirt, and, as far as may be necessary by all reasonable means from all other foreign or injurious contamination; and if the refuse, dirt and the waste products subject to decomposition and fermentation incident to the manufacture, preparation, packing, storing, selling, distributing and transporting of food, are not removed daily; and if all trucks, trays, boxes, baskets, buckets and other receptacles, chutes, platforms, racks, tables, shelves and all knives, saws, cleavers and other utensils and machinery used in moving, handling, cutting, chopping, mixing, canning and all other processes are not thoroughly cleaned daily, and if the clothing of operatives, employes, clerks or other persons therein employed is unclean.

Sec. 3. The side walls and ceilings of every bakery, confectionery, creamery, cheese factory, hotel and restaurant kitchen, shall be well plastered, wainscoted or ceiled with metal or lumber and shall be oil painted or kept well lime washed, and all interior woodwork in every bakery, confectionery, creamery, cheese factory, hotel and restaurant kitchen, shall be kept well oiled or painted with oil paints and be kept washed clean with soap and water; and every building, room, basement or cellar occupied or used for the preparation, manufacture, packing, storage, sale or distribution of food, shall have an impermeable floor made of cement or tile laid in cement, brick, wood or other suitable non-absorbent material which can be flushed and washed clean with water.

Sec. 4. The doors, windows and other openings of every food producing or distributing establishment during the fly season shall be fitted with self-closing screen doors and wire window screens of not coarser than 14-mesh wire gauze.

Sec. 5. Every building, room, basement or cellar occupied or used for the preparation, manufacture, packing, canning, sale or distribution of food, shall have convenient toilet or toilet rooms separate and apart from the room or rooms where the process of production, manufacture, packing, canning, selling or distributing is conducted. The floors of such toilet rooms shall be of cement, tile, wood, brick or other non-absorbent material and shall be washed and scoured daily. Such toilet or toilets shall be furnished with separate ventilating flues or pipes, discharging into soil pipes, or on the outside of the building in which they are situated. Lavatories and washrooms shall be adjacent to toilet rooms and shall be supplied with soap, running water and towels, and shall be maintained in a sanitary condition. Operatives, employes, clerks and all persons who handle the material from which food is prepared, or the finished product, before beginning work or after visiting toilet or toilets, shall wash their hands and arms thoroughly in clean water.

Sec. 6. Cuspidors for the use of operatives, employes, clerks or other persons shall be provided whenever necessary, and each cuspidor shall be thoroughly emptied and washed out daily with disinfectant solution and five ounces of such a solution shall be left in each cuspidor while it is in use. No operative, employe, or other person shall expectorate on the floor or sidewalls of any building, room, basement or cellar where the production, manufacture, packing, storing, preparation, or sale of any food is conducted.

Sec. 7. No person or persons shall be allowed to live or sleep in any workroom of a bakeshop, kitchen, dining room, confectionery, creamery, cheese factory, or place where food is prepared for sale, served or sold.

Sec. 8. No employer shall require, permit or suffer any person to work, nor shall any person work, in a building, room, basement, cellar or vehicle occupied or used for the production, preparation, manufacture, packing, storage, sale, distribution and transportation of food, who is affected with any venereal disease, smallpox, diphtheria, scarlet fever, yellow fever, tuberculosis, or consumption, bubonic plague, Asiatic cholera, leprosy, trachoma, typhoid fever, epidemic dysentery, measles, mumps, German measles, whooping cough, chicken pox or any other infectious or contagious disease.

Sec. 9. *It shall be the duty of the state board of health to enforce this act, and for that purpose the state, county, city and town health officers shall be food inspectors subordinate to the state board of health. The state food and drug commissioner, the food inspectors of the state board of health, the state, county, city and town health officers shall have full power at all times to enter every building, room, basement, or cellar occupied or used or suspected of being occupied or used for the production for sale, manufacture for sale, storage, sale, distribution or transportation of food, and to inspect the premises and all utensils, fixtures, furniture and machinery used as aforesaid, and if upon inspection any food producing or distributing establishment, conveyance, employer, operative, employe, clerk, driver or other person is found to be violating any of the provisions of this act, or if the pro-*



duction, preparation, manufacture, packing, storing, sale, distribution or transportation of food is being conducted in a manner detrimental to the health of the employes and operatives or to the character or quality of the food therein being produced, manufactured, packed, stored, sold, distributed or conveyed, the officer or inspector making the examination or inspection shall furnish evidence of said violation to the prosecuting attorney of the county or circuit wherein such violations occur, who shall prosecute all persons violating any of the provisions of this act, or said inspector shall report such conditions and violations to the state food and drug commissioner, who shall issue an order to the person or persons in authority at the aforesaid establishment to abate the condition or violation or to make such improvements as may be necessary to abate them, within a period of five days or such reasonable time as may be required in which to abate them. Such order shall be in writing and the person receiving the order shall have the power of appeal from the order and instructions, and may within five days from the issuance of the order appear in person or by attorney before the state food and drug commissioner to give reasons why such order or instructions should not be obeyed.

Sec. 10. Any person who violates any of the provisions of this act or who refuses to comply with any lawful orders or requirements of the state food and drug commissioner duly made in writing as provided in section 9 of this act, shall be guilty of a misdemeanor and on conviction shall be punished for the first offense by a fine of not less than \$10.00 nor

more than \$50.00; for the second offense by a fine of not less than \$50.00 nor more than \$100.00, and for the third and subsequent offense by a fine of \$200.00 and imprisonment in the county jail for not less than 30 nor more than 90 days, and each day after the expiration of the time limit for abating unsanitary conditions and completing improvements to abate such conditions as ordered by the state food and drug commissioner, shall constitute a distinct and separate offense.

Sec. 11. All acts and parts of acts in conflict with the provisions of this statute are hereby repealed.

MR. SPEAKER:

Your Committee on Medicine, Health and Vital Statistics, to which was referred House Bill No. 308, has had the same under consideration and begs leave to report the same back to the House with the recommendation that same be amended as follows:

Amend the title of the act by inserting in line 12 following the word "of" the words "the state board of health and."

Amend section 9 by striking out in lines 1 and 2 the words "the food inspectors and any authorized agent of the state food and drug commissioner," and insert in lieu thereof the following: "It shall be the duty of the state board of health to enforce this act and for that purpose the state, county, city and town health officers shall be food inspectors subordinate to the state board of health. The state food and drug commissioner, the food inspectors of the state board of health, the state, county, city and town health officers," and that when so amended it do pass.

## New Amendment to Ohio Food Law

To amend section 3 of an act entitled, "An act to provide against the adulteration of food and drugs," passed March 20, 1884, as amended April 22, 1890, April 20, 1904, April 2, 1906, and May 1, 1908, by adopting the Federal standards for flavoring extracts.

*Be it enacted by the General Assembly of the State of Ohio:*

Section 1. That section 3 of an act entitled, "An act to provide against the adulteration of food and drugs," passed March 20, 1884, as amended April 22, 1890, April 20, 1904, April 2, 1906, and May 1, 1908, be amended so as to read as follows:

Sec. 3. An article shall be deemed to be adulterated within the meaning of this act:

(a) In the case of drugs: (1) If, when sold under or by a name recognized in the eighth decennial revision of the United States pharmacopoeia, or the third edition of the National Formulary, it differs from the standard of strength, quality or purity laid down therein; (2) if, when sold under or by a name not recognized in the eighth decennial revision of the United States pharmacopoeia, or the third edition of the National Formulary, but which is found in some other pharmacopoeia, or other standard work on materia medica, it differs materially from the standard of strength, quality or purity laid down in such work; (3) if its strength, quality or purity falls below the professed standard under which it is sold; (4) if it is an imitation of, or offered for sale under the name of another article; (5) if the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package; (6) if it contains any methyl or wood alcohol.

(b) In the case of food, drink, \* \* confectionery or condiment: (1) If any substance or substances have been mixed with it, so as to lower or depreciate or injuriously affect its quality, strength or purity; (2) if any inferior or cheaper substance or substances have been substituted wholly, or in part, for it; (3) if any valuable or necessary constituent or ingredient has been wholly, or in part, abstracted from it; (4) if it is an imitation of, or is sold under the name of another article; (5) if it consists wholly, or in part, of a diseased, decomposed, putrid, infected, tainted or rotten animal or vegetable substance or article, whether manufactured or not or, in the case of milk, if it is the produce of a diseased animal; (6) if it is colored, coated, polished or powdered, whereby damage or inferiority is concealed, or if by any means it is made to appear better or of greater value than it really is; (7) if it contains any added substance or ingredient which is poisonous or injurious to health; (8) if,

when sold under or by a name recognized in the eighth decennial revision of the United States pharmacopoeia, or the third edition of the National Formulary, it differs from the standard of strength, quality or purity laid down therein; (9) if, when sold under or by a name not recognized in the eighth decennial revision of the United States pharmacopoeia, or the third edition of the National Formulary, but is found in some other pharmacopoeia, or other standard work on materia medica, it differs materially from the standard of strength, quality or purity laid down in such work; (10) if the strength, quality or purity falls below the professed standard under which it is sold; (11) if it contains any methyl or wood alcohol.

(c) *In the case of flavoring extracts:* (1) If any substance or substances have been mixed with it, so as to lower or depreciate or injuriously affect its quality, strength or purity; (2) if any inferior or cheaper substance or substances have been substituted wholly, or in part, for it; (3) if any valuable or necessary constituent or ingredient has been wholly, or in part, abstracted from it; (4) if it is an imitation of, or is sold under the name of another article; (5) if it is colored whereby damage or inferiority is concealed, or if it by any means is made to appear better or of greater value than it really is; (6) if it contains any added substance or ingredient which is poisonous or injurious to health; (7) if the strength, quality or purity falls below the professed standard under which it is sold; (8) if it contains any methyl or wood alcohol; (9) if, when sold under or by any one of the following names it differs from the standard hereby fixed therefor: (1) Almond extract shall be the flavoring extract prepared from oil of bitter almonds, free from hydrocyanic acid, and shall contain not less than one (1) per cent by volume of oil of bitter almonds; (2) anise extract shall be the flavoring extract prepared from oil of anise, and shall contain not less than three (3) per cent by volume of oil of anise; (3) celery seed extract shall be the flavoring extract prepared from celery seed or the oil of celery seed, or both, and shall contain not less than three-tenths (0.3) per cent by volume of oil of celery seed; (4) cassia extract shall be the flavoring extract prepared from oil of cassia, and shall contain not less than two (2) per cent by volume of oil of cassia; (5) cinnamon extract shall be the flavoring extract prepared from oil of cinnamon, and shall contain not less than two (2) per cent by volume of oil of cinnamon; (6) clove extract shall be the



flavoring extract prepared from oil of cloves, and shall contain not less than two (2) per cent by volume of oil of cloves; (7) ginger extract shall be the flavoring extract prepared from ginger, and shall contain in each one hundred (100) cubic centimeters the alcohol-soluble matters from not less than twenty (20) grams of ginger; (8) lemon extract shall be the flavoring extract prepared from oil of lemon, or from lemon peel or both, and shall contain not less than five (5) per cent by volume of oil of lemon; (9) terpeneless extract of lemon shall be the flavoring extract prepared by shaking oil of lemon with dilute alcohol, or by dissolving terpeneless oil of lemon in dilute alcohol, and shall contain not less than two-tenths (0.2) per cent by weight of citral derived from oil of lemon; (10) nutmeg extract shall be the flavoring extract prepared from oil of nutmeg, and shall contain not less than two (2) per cent by volume of oil of nutmeg; (11) orange extract shall be the flavoring extract prepared from oil of orange, or from orange peel, or both, and shall contain not less than five (5) per cent by volume of oil of orange; (12) terpeneless extract of orange shall be the flavoring extract prepared by shaking oil of orange with dilute alcohol, or by dissolving terpeneless oil of orange in dilute alcohol and shall correspond in flavoring strength to orange extract; (13) peppermint extract shall be the flavoring extract prepared from oil of peppermint or from peppermint, or both, and shall contain not less than three (3) per cent by volume of oil of peppermint; (14) rose extract shall be the flavoring extract prepared from otto of roses, with or without rose petals, and shall contain not less than four-tenths (0.4) per cent by volume of otto of roses; (15) savory extract shall be the flavoring extract prepared from oil of savory, or from savory, or both, and shall contain not less than thirty-five hundredths (0.35) per cent by volume of oil of savory; (16) spearmint extract shall be the flavoring extract prepared from

oil of spearmint, or from spearmint, or both, and shall contain not less than three (3) per cent by volume of oil of spearmint; (17) star anise extract shall be the flavoring extract prepared from oil of star anise, and shall contain not less than three (3) per cent by volume of oil of star anise; (18) sweet basil extract shall be the flavoring extract prepared from oil of sweet basil, or from sweet basil, or both, and shall contain not less than one-tenth (0.1) per cent by volume of oil of sweet basil; (19) sweet marjoram extract, marjoram extract, shall be the flavoring extract prepared from the oil of marjoram, or from marjoram, or both, and shall contain not less than one (1) per cent by volume of oil of marjoram; (20) thyme extract shall be the flavoring extract prepared from oil of thyme, or from thyme, or both, and shall contain not less than two-tenths (0.2) per cent by volume of oil of thyme; (21) tonka extract shall be the flavoring extract prepared from tonka bean, with or without sugar or glycerin, and shall contain not less than one-tenth (0.1) per cent by weight of coumarin extracted from the tonka bean, together with a corresponding proportion of the other soluble matters thereof; (22) vanilla extract shall be the flavoring extract prepared from vanilla bean, with or without sugar or glycerin, and shall contain in one hundred (100) cubic centimeters the soluble matters from not less than ten (10) grams of the vanilla bean; (23) wintergreen extract shall be the flavoring extract prepared from oil of wintergreen, and shall contain not less than three (3) per cent by volume of oil of wintergreen. All of said flavoring extracts shall be a solution in ethyl alcohol of proper strength of the sapid and odorous principles derived from an aromatic plant, or parts of the plant, and shall conform in name to the plant used in its preparation.

Section 2. That said original section 3 is hereby repealed.

## New Sanitary Law for Ohio

To provide for inspection of any place where any food products are manufactured, packed, stored, deposited, collected, prepared, produced or sold for any purpose whatever.

*Be it enacted by the General Assembly of the State of Ohio:*

Section 1. That no person or persons shall operate any bakery, confectionery, creamery, dairy, dairy barn, milk depot, laboratory, hotel, restaurant or eating house, packing or slaughter house, or ice cream plant, or any place where any food products are manufactured, packed, stored, deposited, collected, prepared, produced or sold for any purpose whatever, where the same is in a filthy, unclean or unsanitary condition, or is permitted to be in a filthy, unclean or unsanitary condition.

Section 2. That if in the opinion of the dairy and food commissioner, his assistant commissioners, inspectors or agents or either of them, after an investigation thereof, any bakery, confectionery, creamery, dairy, dairy barn, milk depot, laboratory, hotel, restaurant or eating house, packing or slaughter house, or ice cream plant, or any place where any food products are manufactured, packed, stored, deposited, collected, prepared, produced or sold for any purpose whatever, is operated in violation of section one of this act, the

dairy and food commissioner, his assistant commissioners, inspectors or agents shall notify in writing the proprietor or proprietors, owner or owners, manager or managers of such bakery, confectionery, creamery, dairy, dairy barn, milk depot, laboratory, hotel, restaurant or eating house, packing or slaughter house, or ice cream plant, or any place where any food products are manufactured, packed, stored, deposited, collected, prepared, produced or sold for any purpose whatever, to place the same in a clean any sanitary condition within a reasonable time to be stated in said notice, which time so stated shall in no case be less than ten days.

Section 3. Any person violating any of the provisions of this act, after the time stated in the notice provided for in section two hereof, shall be deemed to be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than fifty dollars, nor more than two hundred dollars for the first offense, and for each subsequent offense shall be fined not less than one hundred dollars, nor more than three hundred dollars, or imprisoned in the county jail not less than thirty days nor more than one hundred days, or both.

### TRIBUTE TO SECRETARY WILSON.

Extract from speech of Hon. Ezekiel S. Chandler, Jr., of Mississippi in the House of Representatives, Wednesday, Feb. 3, 1909, in discussion of the agricultural appropriation bill:

Mr. Sims: I would like to ask the gentleman a question. Does the gentleman sympathize with the efforts of the uplift commission to help the farmer along?

Mr. Chandler: Mr. Chairman, may I ask if the gentleman approves it?

Mr. Sims: I am asking for information, as I regard the gentleman from Mississippi (Mr. Chandler) our leader on this side of the House on all such matters.

Mr. Chandler: I am in favor of anything that will uplift the agricultural interests of this country, and if that commission will do it, I favor it, thought I do not, as a rule, favor commissions. The people's representatives should directly attend to the business affecting the country's interests and

render an account to those who send them here. I favor, however, anything on the face of the earth that will uplift the agricultural interests of the country and relieve it of the burdens under which it has labored so long, and I will gladly join hands with anything or anybody to bring about that great result. (Great applause.) To continue the great work of the Agricultural Department, I hope the Hon. James Wilson will remain in the Cabinet of President Taft as Secretary of Agriculture, because he is the farmer's friend, a statesman, and a patriot, a benefactor of the whole country, and American citizen of whom we are all proud. (Tremendous applause.)

Page 2895 Congressional Record, Feb. 22, 1909.

We call the attention of our readers to this beautiful eulogy on Secretary Wilson in contrast to the mouthings of Barrels and Bottles, Dr. Wiley's official whisky organ, advocating Dr. Wiley for secretary of agriculture.



# THE AMERICAN FOOD JOURNAL



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## LIBEL SUIT AGAINST "WHAT TO EAT."

"What to Eat," now calling itself "The National Food Magazine," has been sued for \$100,000 by the Calumet Baking Powder Company for alleged libelous statements in the January issue.

It is all about the awards granted the Calumet Baking Powder by the World's Pure Food Exposition held in the Coliseum, Chicago, in the fall of 1907. The management of this exposition, represented by Mr. Thomas J. Hoyne, appointed a number of committees to further the publicity and success of the exposition. Invitations were sent to prominent physicians and chemists to become members of the committee on tests. The following gentlemen consented to serve on this committee, Dr. Harvey W. Wiley, Dr. James Egan, Dr. W. A. Evans, Dr. J. H. Long, Dr. Ralph W. Webster, Dr. Hector Trowbridge, Hon. Alfred H. Jones, Dr. T. J. Bryan, Walter S. Haynes, Dr. Julian Stieglitz, Dr. J. F. Biehn, Archibald S. Hoyne.

The committee or commission held meetings at which every member was present or represented by proxy, and passed resolutions that they would demand that their decisions as regards a food be final and not subject to supervision or change by any other committee or by the exposition management; selected a chemist to do the work; laid down rules and methods of analysis to be used in examining foods for awards; received the report of the chemist and recommended certificates of awards to different exhibitors. A committee on awards was also appointed by the exposition management, of which Mr. George Rew, vice-president of the Calumet Company, was a member. But in view of the action of the committee on tests, this committee had no function in selecting the recipients of awards were this work a part of the plan when the committee was originally conceived.

In Class 68 Baking Powders, the Calumet Baking Powder was recommended for a certificate of award by the committee on tests and the certificate of award was duly granted and presented to the manufacturers by the Exposition Company. The Calumet Baking Powder Company made use of this award in their advertising, among other methods reproducing the certificate of award, on which were the names of the committee on tests, the chemist and the managing director of the exposition. A canvassing agent in a small town in Iowa also secured a complimentary notice in the local

paper of Calumet Baking Powder in which an unauthorized use of Dr. Wiley's name was made.

In making out a case of illegitimate advertising against the Calumet Baking Powder Company, "What to Eat" refers to their repudiation of the small reading notice in an obscure paper as if it referred to their advertisement of the certificate of award and the reproduction of a fac simile thereof. To attempt to throw cold water on the exposition, its sponsors—the leading merchants of Chicago—its objects and motives, and its managing director, Mr. Thomas Hoyne, son of Philip H. Hoyne, former mayor of Chicago. It accuses the members of the committee on tests who, in another portion of the article, it says were probably ignorant of the use being made of their names and reputation, of being influenced in their decision by Mr. Rew, who, as heretofore stated, was a member of the original committee on awards. The strongest play, however, is made on the denial by Dr. Wiley that he ever consented to give an award to Calumet Baking Powder—that he did not even consent to serve on the committee on tests, and that in fact he refused to so serve. The paper quotes a letter of Dr. Wiley's to this effect, and in view of the much-published announcement of Dr. Wiley's becoming editor of What to Eat (see *Chemiker Zeitung*, February 30th), the paper may be supposed to speak by the cards. The exposition management and the Calumet company say he did consent to serve and did so serve. The questions involved are easily susceptible of proof, and the truth will be brought to light in the trial of the case in court.

## MILK DEALER'S CASE DISMISSED BY ORDER OF COURT.

The milk dealer prosecution, or rather persecution, resulted in a miserable fiasco in Judge McSurley's court on the 4th of March.

The judgment of the court quashing the indictments and removing all stigma from the defendants is herein published.

Gentlemen of the jury, the law gives the court the power, and indeed, it makes it the duty of the court to instruct the jury to bring in a verdict of not guilty, when, in the opinion of the court, the state has failed to make a case. The court is of that opinion in this case.

The indictment charged, as you will remember, that the defendants were guilty of conspiring and combining and entering into an agreement together to raise the price of milk. One of the rules of evidence is that a charge of that sort must be proved beyond a reasonable doubt, beyond all reasonable doubt, before there could be a verdict of guilty. It is not sufficient that there should be suspicious circumstances or even evidence tending to show great probability of guilt, but there must be evidence showing to the satisfaction of the jury and the court guilt beyond any reasonable doubt; therefore you must agree with the court in this case that the state has not proven that there was a conspiracy or agreement or understanding beyond any reasonable doubt.

There is another rule of evidence, which is that the verdict must be not guilty where the facts introduced can be explained upon any reasonable theory consistent with innocence. I think it must be clear to you, as it is to the court, that the facts here have shown simply this, in brief: That there was a situation, a general situation with reference to stock feed which impelled



or induced the farmers to raise the price of milk which they would charge to the dealers, and the Borden company which, apparently, is the large concern in the business, met that price, paid that price. Of course when they did that the smaller dealers, or the other dealers, were forced to pay an equal price, otherwise the Bordens would have gotten all the milk from the farmers and the other concerns would have been forced to go out of business, and when they got into that situation it was simply a commercial proposition as to who should advance the price to the user of milk, the customer in the city, and naturally the large concern would lead in that; and whenever the large concern took the first step in this case the evidence shows, especially by the last witness, that it was the Bordens, controlled entirely by their own investigation and their own judgment in the matter without consulting or talking with anyone else, but, inspired and induced solely by their own judgment, they, of their own motion and of their own initiative, raised the price, when, naturally, the other dealers—and it seems to be admitted that for the most part they are the smaller dealers—fell right in line. In other words, the Bordens set the pace in the matter of fixing the price and the other dealers fell in line. They all hastened to get into the band wagon, which in this case was a milk wagon. So that the instruction of the court should be that the court instructs the jury to find the defendants not guilty.

MR. NEELY: Your honor, may I see that form now. I think one of the names are misspelled and I would like to correct it.

THE COURT: Well, that is what I asked. The court therefore instructs you that the form of your verdict should be:

"We, the jury, find the defendants, William J. Rogers, Ira J. Mix, Ira J. Mix Dairy Company, Borden's Condensed Milk Company, Johnston R. Bowman, Comfort E. Peck, Edward F. Newton, George E. Chapell, John H. Marsh, Kee & Chapell Dairy Company, Thomas F. Yore, William B. Wanzer, Howard H. Wanzer and Bowman Dairy Company, not guilty." Mr. Hansen will you please sign this verdict here as foreman?

THE COURT: Mr. Clerk, read the verdict, please.

VERDICT.

"We, the jury, find the defendants, William J. Rogers, Ira J. Mix, Ira J. Mix Dairy Company, Borden's Condensed Milk Company, Johnston R. Bowman, Comfort E. Peck, Edward F. Newton, George E. Chapell, John H. Marsh, Kee & Chapell Dairy Company, Thomas F. Yore, William B. Wanzer, Howard H. Wanzer and Bowman Dairy Company, not guilty."

"Signed SWEN B. HANSEN, Foreman."

The judgment of the court, while a complete victory for the defendants, points a strong moral. This is, that the public prosecutor should not be swayed either by popular clamor or newspaper dictation into bringing unjust suits against individuals or corporations.

The facts in this case disclose: That milk dealers and milk producers and milk middle men have an organization, or rather several organizations. That milk is sold on Chicago market by measure and is produced in territory contiguous to Chicago. That for several years the wholesale price of milk on Chicago markets has been steadily advancing. This advance has been due to better organization among farmers, increased cost of cattle feeds, farms, etc., and extra care and cost required to furnish Chicago the milk

demanding by its ordinances. That the retail price of milk had not advanced with the wholesale price. That on November 1st, when the farmers changed the price from the comparatively low summer price to a higher winter price, and higher even than asked for in the corresponding months of the year before, one of the large dealers announced a raise of 1c per quart, i. e., from 7c to 8c, in milk, quickly followed by practically all of the milk men in the city of Chicago. An immense howl went up from certain yellow newspapers in Chicago which attempted to influence public sentiment against the increase in the price of milk, not a difficult thing to do in matters affecting the pocket-book. They succeeded in getting State's Attorney Healy to bring indictments against the largest dealers in the city on the charge of conspiring to increase the price of milk. As the judge intimates, there was not a scintilla of evidence to prove this charge, and the public prosecutor in forcing these indictments at the behest of a newspaper was using his public office to bring undeserved censure and misery on men not only innocent of wrong doing but doing their best to supply Chicago with clean and wholesome milk. The usual plea for the small dealer was not even possible in this case, as the bulk of the small dealers had been driven to the wall on account of the prevailing low price and small profits in the milk business, and it was to the small dealers' advantage more than the large ones to sell at a living profit.

PROF. ALFRED N. COOK.

Alfred N. Cook, Food and Drug Commissioner of South Dakota, was born at Cornell, Ill., February 22, 1866. He was educated at Knox College, where he graduated in 1890, and subsequently did graduate work in chemistry at the University of Wisconsin, where he received the doctor's degree.

He was professor of natural science at Amity College, Iowa, from 1892 to 1894, professor of chemistry and physics at Upper Iowa University from 1894 to 1898, assistant in chemistry at the University of Wisconsin from 1898 to 1900, professor of chemistry at Morningside College, Sioux City, Iowa, from 1900 to 1904, and professor of chemistry at the State University of South Dakota since 1904. He was appointed food and drug commissioner of South Dakota by Governor Vessey on March 5, 1909. His term of office begins July 1, 1909.

His appointment came to him unsolicited. In fact, he knew nothing about it until plans were well under way and he was asked to accept the office. His principal line of work lies in the field of organic and analytical chemistry. His biography may be found in American Men of Science and other biographical publications. His principal line of investigation has been along the line of phenyl ether and derivatives, upon which subject he has published various articles in the chemical journals.

Prof. Cook will assume full charge of the South Dakota Food and Drug Commission on July 1st, 1909.

The clause allowing 1-10 of 1 per cent of benzoate of soda in foods in the Thompson bill, which is aimed to give the Pennsylvania Food Commission a food law to enforce, is creating considerable comment. Some manufacturers claim 1-10 of 1 per cent is not sufficient, while others claim any amount is too much.



**COMMISSIONER CANNON ENDORSED.**

The legislative committee of the Federation of Women's Clubs of Colorado, forty-three (43) strong, representing six thousand club women, on March 10th marched into the Colorado senate chamber and presented a protest against the passage of any legislation designed to remove him from office. The Wholesale and Retail Druggists' Association of Colorado also passed similar resolutions. At the last meeting of the Colorado State Federation of Women's Clubs the following song was sung at the conclusion of Commissioner Cannon's address and dedicated to him:

**PURE FOOD SONG.**

BY MARY E. HINCHCLIFF.

Tune—*Marching Thro' Georgia.*

Sound the glorious slogan, friends, our modern battle song,  
Sound it till the echoes all shall send the word along,  
Adulteration all must cease, or else our army strong,  
Will battle them down with our Cannon.

**CHORUS—**

Hurrah! Hurrah! D'you hear the Cannon roar?  
Hurrah! Hurrah! Adulterate no more!  
And so we'll sound the slogan till it rings from shore to shore,  
The law we'll enforce with our Cannon.

No white peroxide flour we want, no buttered oleo,  
No syrup made of glucose, labeled cane to make it go;  
No starch to make our cream look thick, nor sanded sugar, so,  
We'll batter them down with our Cannon.

**CHORUS—**

No vitriol in our vinegar, no copper colored tea,  
No pickles green with arsenic for us henceforth shall be;  
We'll sound the slogan till reform shall spread from sea to sea,  
The laws we'll enforce with our Cannon.

**CHORUS—**

Formaldehyde in milk's the thing we'll tolerate no more,  
The ashes from our pepper then shall vanish evermore,  
All other spices pure shall be, and ginger from our store  
We'll furnish you free with our Cannon.

**CHORUS—****GETTING READY FOR THE CONVENTION.**

Commissioner A. H. Jones of the Illinois Food Commission has made arrangements to attend the thirteenth annual convention of the Association of State and National Food and Dairy Departments which will be held at Denver, Colo. The date has been tentatively set for the last week in August or the first week in September. This is a little too late, a better date would be Tuesday, July 20th. This is a very delightful period of the year to visit the Rocky Mountains and the beautiful resorts throughout the state. Besides, at this time of the year the courts have all adjourned for summer vacations and therefore no prosecutions are on the dockets for the food departments to look after and would insure a better attendance.

The Illinois commission has arranged with the Chicago, Burlington & Quincy Railroad to attach a special car to their No. 1 limited which leaves Chicago at 1 p. m. daily arriving at Denver at 6 p. m. the following evening. The fare for the round trip from Chicago with privilege of going to Colorado Springs and Pueblo after the convention will be \$30. Those desiring to go as far west as Salt Lake City can secure round trip tickets from Chicago with the privilege of stopping off at any or all of the above places for \$43.

For further particulars address A. C. Odenbaugh, passenger agent Chicago, Burlington & Quincy Railroad Company, 211 S. Clark street, Chicago.

**SEVENTH BIENNIAL REPORT OF THE WASHINGTON DAIRY AND FOOD COMMISSIONER.**

Like her sister state, Oregon, much of the last report of the Washington commissioner, covering the period of two years ending October 30, 1908, is devoted to the dairy industry. The farmers' institutes, the state butter brands and the milk supply of cities receive attention. A complete list of the creameries of the state is included.

The commissioner recommends the appointment of three dairy inspectors and a deputy dairy instructor, educational qualifications for inspectors and authority to exercise surveillance over creameries and factories.

An objectionable feature of the report is the recommendation by name of a patented balance made by but one firm. However superior any make of goods may be, it is extremely doubtful whether it should be exploited by state officials with state money in public documents, particularly, unless its manufacture is unrestricted.

No financial statement is to be found in the report, and the report on food analyses is fragmentary and incomplete. But few adulterated foods were discovered and no prosecutions instituted.

**WYOMING SUPREME COURT HOLDS BLENDED SYRUPS DO NOT REQUIRE PERCENTAGES ON LABELS.**

The D. B. Scully Syrup Company, represented by Attorney Thomas E. Lannen, last year at Sheridan, Wyo., won a case in the Circuit Court, and which case the food commissioner appealed to the Supreme Court of Wyoming, which has just been decided by the Supreme Court in favor of the Scully company.

The question at issue was whether or not the food law of Wyoming required percentages to be stated on blended syrups. The Circuit Court held that the law did not require percentages, and the Supreme Court affirmed the decision by holding that the exceptions of the state's attorney are without merit and not sustained. Before this decision was rendered Wyoming enacted a new syrup law at the behest of Commissioner Burke, the decision therefore does not affect the enforcement of the present law.

**MANY VIOLATIONS OF PURE FOOD LAW.**

Three hundred convictions under the Iowa Pure Food Law in ten months is the record of State Food and Dairy Commissioner Wright, as shown in his latest bulletin.

The report shows fines in each case of from \$5 to \$100, with an average penalty of about \$15. The commission has thus secured a total of \$4,500 in fines. This amount goes to the county school fund in the county where the conviction is obtained.

A great variety of violations are included in the report from misstating the ingredients of lemon extract that contained no lemon to flooding oysters with water. Wormy candy, diseased meat and rotten eggs are a few of the violations for which a fine was paid. Twelve mills were convicted of selling short weights, the miller in each case having stated the weight of his sack or package erroneously on the label.



**OREGON REPORT FOR 1906-8.**

Commissioner J. W. Bailey of Oregon has presented his seventh biennial report to the Legislative Assembly of Oregon. It maintains the high standard of former reports of work outlined and accomplished. The report of the commissioner is unique in that he uses the editorial plural pronoun "we" instead of first person singular in conveying his thought to the public. The success of Commissioner Bailey as a food commissioner is due to the principles he has adhered to in enforcing the law. These principles could not be more succinctly stated than in his own words: "Our policy has been one of leniency toward the innocent violator, and one of strictest severity toward the intentional and therefore criminal violator of the law."

Much of the report is given to problems connected with the dairy industry, which department of farming and manufacture has recently taken great strides in Oregon, particularly Western Oregon. According to Commissioner Bailey, the administration of law in Oregon has not been greatly affected or modified by the National Food Law.

Although the last Legislature made it the duty of the commissioner to publish a monthly bulletin, they unfortunately neglected to appropriate any money for that purpose and the commissioner finds it impossible to publish the bulletin without funds, and therefore is not in a position to comply with the request of the Legislature.

**MAGAZINE FOR LIQUOR DEALERS.**

The National Wholesale Liquor Dealers' Association began the first of the year to publish a monthly bulletin in the form of a magazine. Three issues of the magazine are at hand. In the salutatory it is stated that the paper will be held strictly to live matter, and is in no way intended to compete with trade papers. It is unfortunate that there is no paper in the journalistic field which secures and publishes all the live matter of interest to the wholesale liquor dealers. Doubtless the news desired is found scattered among several periodicals. Up to the advent of the American Food Journal, no magazine published the internal revenue and customs decisions, as issued by the Treasury Department of the Government. A few imitators have entered this field since the publication of same in this paper.

As the new wholesale liquor dealers' paper makes a point of publishing the internal revenue decisions pertaining to liquors and denatured alcohol, that department of the American Food Journal will be discontinued after the March number. As heretofore, however, we shall continue to publish internal revenue decisions bearing upon oleomargarine, filled cheese and foods in general, other than ardent spirits, as also customs decisions in important food cases.

**DECEPTIVE ADVERTISING.**

The conserve manufacturers' combination are following the footsteps of the baking powder trust in conducting a campaign of misrepresentation in the daily press. The paid articles are inserted as pure reading matter, surrounded by pure reading matter, and made to appear as if they were the unbiased writing of the editor or reporter, instead of food advertisements. Even the truth would be handicapped under this weight of deception, and the articles so

far published are far from the truth. One, entitled "Beating the Government to Pure Food," was published simultaneously in the Milwaukee Free Press, the Atlanta Journal, the Des Moines Capital, the Springfield News and the Philadelphia Ledger. The people paying for it have plenty of money.

**AWFUL TRUTH REVEALED.**

A contributor to the Grocery World and supporter of Dr. Wiley claims that the Referee Board, which unanimously decided against Dr. Wiley in the benzoate of soda controversy, is unreliable or worse because the board represents the capitalistic class, and cites in confirmation that three of the five members of the board were from the California University, supported by Leland Stanford; the University of Chicago, supported by Rockefeller, and the Columbia University, supported by the New York "400".

As a combined mixture of ignorance and rot this runs away with all the prizes. Neither Leland Stanford University nor the University of Chicago happen to be represented on the commission, Dr. Long of Chicago being from Northwestern University, a large denominational church institution. But neither the Northwestern University nor the California University will claim to be much better than Columbia or the University of Chicago, so the argument of the Wiley last ditcher holds just as good or better than if he knew what he was talking about.

**SERIAL NUMBER GOOD ON SODIUM BENZOATE GOODS.**

By permission of Attorney Thomas E. Lannen we publish the following telegraphic correspondence between himself and Secretary of Agriculture James Wilson, which is self-explanatory:

March 9, 1909.

Hon. James Wilson,  
Secretary of Agriculture,  
Washington, D. C.

Does Food Inspection Decision One Hundred Four make it permissible to use serial number guarantee on foods containing Benzoate of Soda?

(Paid.)

THOMAS E. LANNEN.

47. LS. V. 19 paid. Govt. Rate.

Washington, D. C., 9-10.

Thomas E. Lannen,  
Chicago, Ills.  
(119 Monroe St.)

Serial number guaranty may be used on food containing sodium benzoate.

JAMES WILSON, Secy., 1109a.

**GO OUT OF OFFICE JULY 1ST.**

Commissioner Wheaton and Prof. Shepard will remain in charge of the South Dakota Food and Dairy Department until July 1st. After that date it will be transferred to the University of South Dakota at Vermillion, S. D., with Prof. Alfred N. Cook, Food and Drug Commissioner, in charge.

**NEW FOOD LAWS.**

Owing to lack of space we are unable to print copies of the additional new food laws of Indiana, California, Kansas and other states. Our readers will bear with us until subsequent issues when they will be printed in full.



## Bulletin No. 3

## Iowa State Food and Dairy Commission

Bulletin No. 3, shortly to be issued by Food Commissioner H. R. Wright, will give a resume of the successful prosecutions brought under the food law. The report will state the Variety of Food, How Adulterated, Prosecution Against Wholesale Dealer or Manufacturer, Date of Sale, and Inspector.

The following manufacturers have put up goods in

conflict with the Iowa law, although the suits were not always brought against the manufacturers owing to the fact that some of them were out of the jurisdiction of the Iowa Commissioner and the Iowa law. The names of offending manufacturers are published under the variety of food of their manufacture found adulterated.

## SUCCESSFUL PROSECUTIONS.

COMPOUNDS SOLD AS VANILLA EXTRACT, SHOULD HAVE BEEN SOLD AS COMPOUNDS WITH LABELS SHOWING NAMES AND PERCENTAGES OF INGREDIENTS.

Sold For	Adulterations.	Wholesaler or Manufacturer.
Vanilla Extract.....	Compound—colored with coal tar color.....	S. Warren & Co., Chillicothe.
Vanilla Blend .....	Compound containing vanillin and coumarin..	Blom-Collier Co., Keokuk.
Ice Cream Vanilla.....	Compound—coumarin present.....	American Extract Co., Davenport.
Vanilla and Tonka.....	Compound Extract .....	Buck-Reiner Co., Keokuk.
Extract of Vanilla and Tonka	Compound containing coumarin.....	A B C Medicine Co., Dubuque.
Extract of Vanilla and Tonka	Compound containing coumarin.....	A B C Medicine Co., Dubuque.
Vanilla .....	Compound containing vanillin and coumarin, artificially colored .....	Monarch Laboratory, Edgerton, Wis.
Vanillin Flavoring .....	Compound containing vanillin, coumarin and caramel .....	Foley Bros. & Kelly, St. Paul, Minn.
Vanilla Flavor .....	Compound containing vanillin, coumarin and caramel .....	Jno. T. Hancock Co., Dubuque.
Compound Extract .....	Contains coumarin and vanillin—colored with caramel .....	Doyle-Munro Drug Co., Davenport.
Vanilla and Tonka Blend.....	Compound containing coumarin.....	Wilson Grocery Co., Peoria, Ill.
Vanilla Substitute.....	Contains vanillin and coumarin—colored with caramel .....	Pearsall Mfg. Co., Des Moines.
Extract Vanilla .....	Compound containing vanillin and coumarin colored with caramel .....	Atwood & Steele Co., Chicago, Ill.
Vanilla Flavor .....	Compound containing coumarin—colored with caramel .....	Buck-Reiner Co., Keokuk.
Vanilla Flavoring .....	Compound containing vanillin and coumarin..	Letts, Fletcher Co., Marshalltown.
Vanilla Flavor .....	Compound containing vanillin and coumarin..	Letts, Fletcher Co., Marshalltown.
Vanilla Flavor .....	Compound containing vanillin and coumarin, some caramel present .....	Buck-Reiner Co., Keokuk.
Vanilla Flavor .....	Not labeled with percentages of ingredients..	McNeil & Higgins Co., Chicago, Ill.
Flavoring .....	A compound extract not properly labeled....	Frick & Kaupke, Cedar Rapids.
Vanilla Flavor .....	Not labeled with percentages of ingredients..	Jewett Bros. & Jewett, Sioux Falls, S. D.
Extract Vanilla .....	Not up to standard .....	Blom-Collier Co., Keokuk.
Flavoring Compound .....	Not labeled to show proportions of ingredients	The Citizens Wholesale Supply Co., Columbus O.

## VANILLAS LOW IN STRENGTH.

Vanilla Extract .....	Low in strength .....	Pearsall Mfg. Co., Des Moines.
Vanilla Extract .....	Low in strength, also short measure.....	Jno. A. Tolman Co., Chicago, Ill.
Vanilla Extract .....	Low in strength .....	Corbin & Sons, Chicago, Ill.

## MISCELLANEOUS.

Extract Orange .....	Orange oil a trace, Aniline color present.....	Eddy & Eddy Mfg. Co., St. Louis, Mo.
Extract Cherry .....	Artificial flavor, Aniline color present.....	Durand Kasper Co., Chicago, Ill.
Orange Extract .....	Not up to standard, aniline color present....	W. E. Simons Mfg. Co., Binghamton, N. Y.
Orange Extract .....	No oil orange present, aniline color present..	Sheppard Baking Powder Co., St. Louis, Mo.
Extract Orange .....	Colored with tumeric.....	The Citizens Wholesale Supply Co., Columbus, O.
Extract Orange .....	Not up to standard, coal tar color present....	Iowa Medicine Co., Keokuk.
Extract Peppermint .....	No oil peppermint present.....	Wilkinson Drug Co., Keokuk.
Extract of Strawberry .....	Not an extract, artificial.....	Havens & Brockman, Davenport.
Imitation Grape Juice.....	No label to show percentages of ingredients, coal tar color present, benzoic acid present..	M. & M. Star Bottling Wks., Oskaloosa.
Orange Cider (California)...	Artificial product.....	J. B. St. Clair Bottling Works, Muscatine.
Pure Peach Cider.....	Artificial product.....	J. B. St. Clair Bottling Works, Muscatine.
Raspberry Wine .....	Artificial product.....	Clarinda Bottling Works, Clarinda.
Essence of Wintergreen .....	No oil of wintergreen found, coal tar color present .....	W. M. Hoyt & Co., Chicago, Ill.
Essence of Peppermint .....	No oil of peppermint found coal tar color present .....	W. M. Hoyt & Co., Chicago, Ill.
Strawberry Double Extract...	Mis-branded .....	W. E. Sandell, Villisca.
Extract of Orange (Double Strength) .....	No oil of orange, coal tar color present.....	Sheppard Baking Powder Co., St. Louis, Mo.
Extract of Orange.....	Low in oil, colored with coal tar color.....	Chapman & Smith Co., Chicago, Ill.
Wild Cherry Cider.....	Coal tar color present .....	Clarinda Bottling Works, Clarinda.
Candy .....	Wormy .....	
Eggs .....	Rotten .....	Henry Halverson, Clear Lake.
Meat .....	Diseased meat from lumpy jawed steer.....	Aaron Evans, Rockford.

## OYSTERS ADULTERATED WITH WATER.

Oysters .....	Contains 44 % water.....	J. & J. Ellsworth Co., New York City.
Oysters .....	Contains 30.5 % water.....	Holm & Gettys, Des Moines.
Oysters .....	Contains 37.9 % water.....	Harry Harrison, Sioux City.



Oysters	Contains 37.9 % water	E. Schietzelt, Sioux City.
Oysters	Contains 41 % water	M. E. Clansey, Sioux City.
Oysters	Contains 46.6 % water	Hanson & Olson, Sioux City.
Oysters	Contains 27.7 % water	Geo. Zaun, Des Moines.
Oysters	Contains 35.3 % water	Booth Oyster Co., Omaha, Neb.
Oysters	Contains 32.45 % water	Pete Peterson.
Oysters	Contains 31.5 % water	Booth Oyster Co., Omaha, Neb.
Oysters	Contains 22.5 % water	Coulbousn Bros. Co., Baltimore, Md.
Oysters	Contains 45.7 % water	Talmage & McCoy Co., Omaha, Neb.
Oysters	42 % liquid present	A. Booth & Co., Des Moines.
Oysters	32.8 % liquid present	A. Booth & Co., Des Moines.
Oysters	34 % liquid present	A. Booth & Co., Sioux City.

## SHORT WEIGHTS.

Graham Flour	Short weight	Smith-Lichty-Hillman Co., Waterloo.
Corn Meal	Short weight	Fowler Company, Waterloo.
Rolled Oats	Short weight	Corno Mills Co., East St. Louis, Ill.
Corn Meal	Short weight	Madrid Milling Co., Madrid.
Graham Flour	Short weight	Madrid Milling Co., Madrid.
Rye Flour	Short weight	Madrid Milling Co., Madrid.
Flour	Short weight	John McGloin, Miller, Wall Lake.
Breakfast Food	Short weight	Citizens Wholesale Supply Co., Cleveland, O. (box car merchants).
Graham Flour	Short weight	Moses Edwards & Sons, Albia.
Wheat Graham Flour	Short weight	Krebill Bros. Milling Co., Ft. Madison.
Corn Meal	Short weight	Krebill Bros. Milling Co., Ft. Madison.
Rice	Short weight	Paxton & Gallagher Co., Omaha, Neb.
Baking Powder	Ingredients not stated on label	Chapman & Smith, Chicago, Ill.
Baking Powder	Ingredients not stated on label	M. L. Urdenger, Mason City.
Baking Powder	Ingredients not stated on label	Smith-Lichty-Hillman Co., Waterloo.
Baking Powder	Ingredients not stated on label	Tone Bros., Des Moines.
Baking Powder	Ingredients not stated on label	Harry Atkinson, College Springs.
Baking Powder	Ingredients not stated on label	R. K. McGee, New Virginia.
Baking Powder	Ingredients not stated on label	K. C. D. L. Crain, College Springs.
Baking Powder	Ingredients not stated on label	Silver Star, R. K. McGee, New Virginia.
Baking Powder	Ingredients not stated on label	Golden Seal, R. K. McGee, New Virginia.
Baking Powder	Ingredients not stated on label	Pure Gold, R. K. McGee, New Virginia.
Baking Powder	Ingredients not stated on label	Carrow & Harter, Ottumwa.
Baking Powder	Ingredients not stated on label	Carrow & Harter, Ottumwa.
Baking Powder	Ingredients not stated on label	Carrow & Harter, Ottumwa.
Baking Powder	Ingredients not stated on label	Chapman & Smith, Chicago, Ill.
Baking Powder	Ingredients not stated on label	Alderney Baum & Metzger.
Baking Powder	Ingredients not stated on label	Jewett & Sherman Co., Milwaukee, Wis.
Baking Powder	Ingredients not stated on label	Fowler Company, Waterloo (Dr. Prices').
Baking Powder	Ingredients not stated on label	Sherer Bros., Chicago, Ill.
Baking Powder	Ingredients not stated on label	J. H. Zimmerman.
Baking Powder	Ingredients not stated on label	H. S. Chase & Co., Des Moines.
Baking Powder	Ingredients not stated on label	W. E. Sandell, Villisca.
Baking Powder	Ingredients not stated on label	Ino. Rohr, West Side.
Baking Powder	Ingredients not stated on label	T. B. Chamberlain Commis'n Co., St. Louis, Mo.
Baking Powder	Ingredients not stated on label	R. F. Hutchinson, Kelley.
Baking Powder	Ingredients not stated on label	Sprague, Warner & Co., Chicago, Ill.
Baking Powder	Ingredients not stated on label	The J. P. Dieter Co., Chicago, Ill.
Baking Powder	Ingredients not stated on label	Wolverine Chemical & Mfg. Co., Detroit, Mich.
Baking Powder	Ingredients not stated on label	George Hummer Mercantile Co., Iowa City.
Baking Powder	Ingredients not stated on label	John T. Hancock & Sons, Dubuque.
Baking Powder	Ingredients not stated on label	W. O. Bock, New Albin.
Baking Powder	Ingredients not stated on label	McCormick, Behnke & Co., St. Paul, Minn.
Baking Powder	Ingredients not stated on label	Norton Medical & Chemical Co. (Inc.), Chicago.
Baking Powder	Ingredients not stated on label	Hettie A. Waugh, Harvard.
Baking Powder	Ingredients not stated on label	A. Ammerman, Perry.
Baking Powder	Ingredients not stated on label	Christopher-Thurber Grocer Co., Trenton, Mo.
Baking Powder	Ingredients not stated on label	Sheppard Baking Powder Co., St. Louis, Mo.
Baking Powder	Ingredients not stated on label	Chapman & Smith, Chicago, Ill.
Baking Powder	Ingredients not stated on label	Chapman & Smith, Chicago, Ill.
Baking Powder	Ingredients not stated on label	The J. P. Dieter Co., Chicago, Ill.
Baking Powder	Ingredients not stated on label	Blom-Collier Co., Keokuk.
Baking Powder	Ingredients not stated on label	Sheppard Baking Powder Co., St. Louis, Mo.
Baking Powder	Ingredients not stated on label	Schroeder Kleine Grocery Co., Dubuque.
Beet Sugar Vinegar	Low in acidity	Amazon Vinegar & Pickle Works, Davenport.
Beet Sugar Vinegar	Low in acidity	J. G. Hutchinson Co., Ottumwa.
Vinegar	Colored	Red Cross Vinegar Co., St. Louis, Mo.
Vinegar	Low in acidity, colored	O. L. Gregory Vinegar Co., St. Louis, Mo.
Vinegar	Low in acidity	W. I. Hill, Coppock.
Cider Vinegar	Low in acidity	J. M. Kudebeh, Viele.
Cider Vinegar	Low in acidity	M. N. Blockinton, Denmark.
Cider Vinegar	Low in acidity and solids	L. M. Randolph, Cromwell.
Cider Vinegar	Low in acidity	J. H. Merrill Co., Ottumwa.
Cider Vinegar	Low in acidity, solids and ash	Farmer (E. G. H. Hildebrand).
Cider Vinegar	Low in acidity	Farmer (unknown).
Cider Vinegar	Low in acidity	Farmer (unknown).
Cider Vinegar	Low in acidity and solids	Farmer (unknown).
Cider Vinegar	Low in acidity	Fred Loughman, Sewal.
Cider Vinegar	Low in acidity	G. G. Plumer, Hillsboro.
Cider Vinegar	Low in acidity and solids	Farmer (Dave Weatherby).
Beet Sugar Vinegar	Low in acidity	J. M. Gobble & Co., Muscatine.



## SACCHARIN OR PRESERVATIVES—SALE PROHIBITED.

Lemon Sour.....	Coal tar color and saccharin present.....	Iowa City Bottling Works, Iowa City.
Orange Lemonade Syrup.....	Glucose and saccharin present.....	Bilken-Winzer Grocer Co., Burlington.
Pineapple Lemonade Syrup.....	Salicylic acid present.....	Bilken-Winzer Grocer Co., Burlington.
Sweet Relish.....	Salicylic acid present.....	Burlington Vinegar & Pickle Works, Burlington.
Strawberry Pop.....	Contains saccharin .....	W. M. Ewald, Waterloo.
Strawberry Pop.....	Contains saccharin .....	Sibert & Sons, Waterloo.
Strawberry Pop.....	Contains saccharin .....	Geo. E. Bryan, Des Moines.
Strawberry Pop.....	Contains saccharin .....	Geo. E. Bryan, Des Moines.
Fruit Shrub Phosphate (Rasp- berry).....	Salicylic acid present.....	Reid Murdoch & Co., Chicago, Ill.
Cream Soda Pop.....	Saccharin .....	T. H. Pickler, Ottumwa.
Cream Soda Pop.....	Saccharin .....	T. H. Pickler, Ottumwa.
Strawberry Soda Pop.....	Saccharin .....	J. Burk & Co., Keokuk.
Lemon Soda Pop.....	Saccharin .....	Fladt & Schoenhaur, Burlington.
Plum Jam.....	Glucose, salicylic acid present.....	Manierre-Yoe Syrup Co., Chicago, Ill.

## ADULTERATED PRESERVES, SHOULD HAVE BEEN LABELED SHOWING PROPORTIONS OF INGREDIENTS.

Strawberry Preserves.....	Contains glucose .....	St. Louis Syrup & Preserving Co., St. Louis, Mo.
Jelly .....	Contains glucose .....	Franklin MacVeagh & Co., Chicago.
Preserves .....	Contains glucose .....	Franklin MacVeagh & Co., Chicago.
Plum Jam.....	Contains glucose .....	Dodson-Braun C., St. Louis, Mo.
Corn Flour Compound.....	Foreign flour present.....	Witwer Bros., Cedar Rapids.
Buckwheat Flour.....	Foreign flour present.....	
Compound Buckwheat.....	Foreign flour present.....	Perry Cooperative Association, Perry.
Buckwheat Flour.....	Foreign flour present.....	Cherokee Flour Mills, Cherokee.
Buckwheat Flour.....	Foreign flour present.....	Frank Schiltz, Sigourney.
Buckwheat Flour.....	Foreign flour present.....	Fowler Co., Waterloo, Iowa.
Buckwheat, wheat, corn flour, (O. P. T. Brand).....	Contains a mixture of flours.....	Witwer Bros., Cedar Rapids.
Buckwheat, wheat, corn flour, (O. P. T. Brand).....	Contains a mixture of flours.....	Witwer Bros., Cedar Rapids.
Buckwheat Flour.....	Foreign flour present.....	Valentine Redlinger, Harper.
Buckwheat Flour Compound..	Contains a mixture of flours.....	Henry Darts' Sons, Rock Island, Ill.
Buckwheat Flour Compound..	Contains a mixture of flours.....	Witwer Bros., Cedar Rapids.
Buckwheat Flour Compound..	Not labeled to show proportions of ingredients	Henry Darts' Sons, Rock Island, Ill.
Buckwheat, wheat, Corn Flour	Not labeled to show proportions of ingredients	J. M. Gobble & Co., Muscatine.
Buckwheat, wheat, Corn Flour	Not labeled to show proportions of ingredients	J. M. Gobble & Co., Muscatine.

## LARDS SOLD AS PURE LARD; CONTAINED BEEF FAT.

Lard .....	Beef Stearin present.....	Home made.
Lard .....	Beef Stearin present.....	Home made.
Lard .....	Beef Stearin present.....	Home made.
Lard .....	Beef Stearin present.....	Home made.
Lard .....	Beef Stearin present.....	Home made.
Lard .....	Beef Stearin present.....	Home made.
Lard .....	Beef Stearin present.....	Home made.
Lard .....	Beef Stearin present.....	Home made.
Lard .....	Beef Stearin present.....	Home made.
Lard .....	Beef Stearin present.....	Home made.
Lard .....	Beef Stearin present.....	Home made.
Lard .....	Beef Stearin present.....	Home made.
Lard .....	Beef Stearin present.....	Home made.
Lard .....	Beef Stearin present.....	Home made.
Compound Lard.....	Beef Stearin and cottonseed oil present.....	The Fowler Co., Waterloo.
Lard .....	Beef Stearin present.....	Hedberg & Wagner, Odebolt.
Lard .....	Beef Stearin present.....	Hedberg & Wagner, Odebolt.

## FRENCH PEAS ADULTERATED WITH SULPHATE OF COPPER.

French Peas .....	Copper .....	Reid Murdoch & Co., Chicago, Ill.
French Peas .....	Copper .....	Warfield, Pratt, Howell Co., Des Moines.
French Peas .....	Copper .....	
French Peas .....	Copper .....	Wm. Hoyt & Co., Chicago, Ill.
French Peas .....	Copper .....	Paxton & Gallagher Co., Omaha, Neb.
French Peas .....	Copper .....	J. M. Biddle, Centerville.

## ADULTERATED CATSUP.

Tomato Catsup .....	Glucose present .....	Buck-Reiner Co., Keokuk.
Tomato Catsup .....	Coal tar color present.....	T. A. Snider Preserve Co., Cincinnati, Ohio.
Tomato Catsup .....	Glucose present .....	W. M. Hoyt & Co., Chicago, Ill.
Tomato Catsup .....	Saccharin and starch and coal tar color.....	T. C. Hannaher, Lyons.
Tomato Catsup .....		Witwer Bros., Cedar Rapids.
Tomato Catsup .....	Starch and coal tar color.....	Tolerton & Warfield, Sioux City.
Tomato Catsup .....	Starch and coal tar color.....	Tolerton & Warfield, Sioux City.
Tomato Catsup .....	Glucose present .....	D. L. Crain, College Springs.
Tomato Catsup .....	Glucose present .....	Ino. A. Tolman & Co., Chicago, Ill.
Tomato Catsup .....	Glucose present .....	Jersey Packing Co., Cincinnati, O.
Tomato Catsup .....	Glucose .....	T. M. Gobble & Co., Clinton.
Tomato Catsup .....	Glucose, percentage not given as required....	John A. Tolman & Co., Chicago, Ill.
Tomato Catsup .....	Glucose, percentage not given as required....	J. M. Gobble & Co., Muscatine.
Tomato Catsup .....	Glucose, percentage not given as required....	J. M. Gobble & Co., Muscatine.
Tomato Catsup .....	Glucose .....	T. M. Gobble & Co., Clinton.
Tomato Catsup .....	Glucose .....	T. M. Gobble & Co., Clinton.

## SORGHUM WITH GLUCOSE.

Sold For	Adulteration.	Wholesaler or Manufacturer.
Sorghum .....	Contains glucose .....	T. M. Gobble & Co., Clinton.
Sorghum .....	Contains glucose .....	Buck-Reiner Co., Keokuk.
Sorghum .....	Contains glucose .....	Witwer Bros., Cedar Rapids.
Sorghum (bulk) .....	Glucose, not labeled.....	W. S. Hanlon & Co., Sigourney.
Sorghum .....	Glucose, not labeled to show percentage.....	D. B. Scully Syrup Co., Chicago, Ill.



Sorghum .....	Glucose, not labeled to show percentage.....	Smith Bros & Burdick Co., Davenport.
Syrup .....	Glucose, not labeled to show ingredients and percentages .....	C. Shenberg & Co., Sioux City.

## MEAT PRODUCTS CONTAINING PRESERVATIVES—SALE PROHIBITED.

Hamburger .....	Sulphites .....	J. W. Stueri, Des Moines.....	Home made
Hamburger .....	Sulphites .....	J. W. Porter, Lehigh.....	Home made
Hamburger .....	Sulphites .....	C. W. Armstrong, Buxton.....	Home made
Hamburger .....	Sulphites .....	A. Armstrong, Newton.....	Home made
Hamburger .....	Sulphites .....	J. J. Meyer, Des Moines.....	Home made
Chopped Meat .....	Sulphites .....	John Kamp, Clinton.....	Home made

## ADULTERATED SPICES—SALE PROHIBITED.

Black Pepper .....	Adulterated with stone cells .....	W. E. Sandell, Villisca.
Black Pepper .....	Large amount of foreign material.....	E. C. Havens, Glidden.
Pepper .....	Adulterated with foreign material.....	C. Purcell, Hastings.
Pepper .....	Ground olive stones .....	Pierce Bros., Harlan.
White Pepper .....	Contains foreign starch and olive stones.....	F. R. Hatch Extract & Spice Co., Iowa City.
Cloves .....	Contains foreign starch and stone cells.....	Sears-Roebuck & Co., Chicago, Ill.

## ADULTERATED SYRUPS.

Maple Syrup .....	Glucose and saccharin present.....	Pierre-Vieau Maple Syrup Co., Omaha, Neb.
White Syrup .....	Glucose present .....	Farrell & Co., Omaha, Neb.
Maple Syrup .....	Contains sugar syrup.....	J. A. Kafka, Diagonal.
Canadian Syrup.....	Not properly labeled.....	Scudder's Maple Syrup Co., Chicago, Illinois.

## ADULTERATED LINSEED OIL.

Sold For	Adulteration.	Wholesaler or Manufacturer.
Pure boiled Linseed Oil.....	Adulterated with petroleum product.....	Central Linseed Oil Co., Omaha, Neb.
Boiled Linseed Oil.....	Adulterated with petroleum product.....	Central Linseed Oil Co., Omaha, Neb.
Boiled Linseed Oil.....	Adulterated with petroleum product.....	Central Linseed Oil Co., Omaha, Neb.
Boiled Linseed Oil.....	Adulterated with petroleum product.....	Central Linseed Oil Co., Omaha, Neb.

## LEMON EXTRACTS—COLOR PROHIBITED.

Lemon Extract .....	No lemon oil present.....	Reid Murdoch & Co., Chicago, Ill.
Flavor of Lemon and Citral..	Not labeled with percentages of ingredients... No lemon oil present.....	Nave-McCord Mercantile Co., St. Joseph, Mo.
Lemon Flavor .....	No lemon oil present..... Coal tar color present.....	McFadden Coffee & Spice Co., Dubuque.
Extract of Lemon.....	No lemon oil present.....	C. A. Pearsall Co., Des Moines.
Triple Extract of Lemon.....	Not up to standard, misbranded .....	Biklen-Winzer Grocer Co., Burlington.
Lemon Extract .....	No lemon oil present.....	McCullough Drug Co., Lawrenceburg, Ind.
Lemon Extract .....	No lemon oil present.....	Reid Murdoch & Co., Chicago, Ill.
Lemon Extract (Double) ....	No lemon oil present, misbranded.....	Letts, Fletcher Co., Marshalltown.
Extract of Lemon.....	Not up to standard.....	A B C Medicine Co., Dubuque.
Extract of Lemon.....	Not up to standard..... Coal tar color present.....	Atwood & Steele, Chicago, Ill.
Lemon Extract .....	No lemon oil present.....	C. A. Erickson & Co., Monticello.
Extract of Lemon .....	Not up to standard.....	Gillette Chemical Wks., Chicago, Ill.
Flavoring Extract of Lemon..	No lemon oil present..... Coal tar color present.....	Quaker Extract Co., Chicago, Ill.
Lemon Extract .....	Colored with turmeric.....	Citizens' Wholesale Supply Co. (box car merchants).
Extract of Lemon.....	No lemon oil present..... Coal tar color present.....	C. A. Pearsall Mfg. Co., Des Moines.
Extract of Lemon.....	No lemon oil present..... Coal tar color present.....	Edw. Westen Tea & Spice Co., St. Louis, Mo.
Lemon Flavor .....	No lemon oil present..... Coal tar color present.....	Buck-Reiner & Co., Keokuk.
Lemon Flavor .....	No lemon oil present..... Coal tar color present.....	McFadden Coffee & Spice Co., Dubuque.
Lemon Flavor .....	No lemon oil present.....	Letts, Fletcher Co., Marshalltown.
Lemon Extract .....	No lemon oil present.....	Kellogg-Birge Co., Keokuk.
Lemon Extract .....	No lemon oil present.....	W. M. Hoyt Co., Chicago.
Pure Concentrated Extract of Lemon .....	Not up to standard..... Coal tar color present..... Misbranded .....	John H. Witte, Burlington.
Extract of Lemon.....	No lemon oil present.....	Hartz & Bahnsen, Rock Island, Ill.
Extract of Lemon.....	No lemon oil present.....	Puhl-Webb Co., Chicago, Ill.
Extract of Lemon.....	Not up to standard..... Coal tar color present.....	Chapman & Smith Co., Chicago, Ill.
Extract of Lemon.....	No lemon oil present..... Coal tar color present.....	Deane Bros. & Lincoln, Chicago, Ill.
Lemon Extract .....	No lemon oil present..... Coal tar color present.....	Sherer-Gillette Co., Chicago, Ill.
Terpeneless Lemon .....	Coal tar color present.....	Witwer Bros., Cedar Rapids.
Lemon Flavor .....	Imitation, not labeled to show proportions of ingredients .....	William McMurray & Co., St. Paul, Minn.
Lemon Flavor .....	Imitation, not labeled to show proportions of ingredients .....	Kalo's Mentho-Jell Co., Albert Lea, Minn.
Extract Lemon .....	Colored with turmeric.....	The Citizens' Wholesale Supply Co., Columbus (box car merchants).
Extract Lemon .....	Lemon oil a trace. Coal tar color present....	Eddy & Eddy, St. Louis, Mo.
Lemon Extract .....	Colored with turmeric.....	Citizens' Wholesale Supply Co., Columbus, Ohio.
Lemon Extract .....	Low in oil.....	Norton Medical & Chemical Co. (Inc.), Chicago, Ill.
Extract Lemon .....	No lemon oil present, aniline color present...	C. H. Montgomery & Sons, Moulton.



Extract Lemon .....	No lemon oil present.....	Forbes Bros., St. Louis.
Extract Lemon .....	No lemon oil present, aniline color present...	Blom-Collier Co., Keokuk.
Extract Lemon .....	Not up to standard, aniline color present....	Simons Mfg. Co., Binghamton, N. Y.
Lemon Extract .....	No lemon oil present, aniline color present...	S. Hammill Co., Keokuk.

## VIOLATION OF DAIRY LAWS.

## Character of Complaint.

## Prosecution Against.

Neglect to pasteurize skimmed milk returned from the creamery to patrons.....	C. J. Vaske, New Vienna.
Sale of adulterated milk, below standard.....	Tyler Bros., Des Moines.
Maintaining creamery in unsanitary condition.....	James P. Johnston, Bristow.
Falsely manipulating Babcock test.....	Hess & Son, Gladbrook.
Falsely manipulating Babcock test.....	Hess & Son, Gladbrook.
Sale of milk containing formaldehyde.....	G. W. Andrews, Burlington.
Sale of adulterated milk, below standard.....	W. C. Barnett, Valley Junction.
Sale of adulterated cream, below standard.....	A. Terry, Des Moines.

## INDICTMENTS.

Sale of unlabeled oleomargarine.....	J. Simon, Council Bluffs.
Sale of unlabeled oleomargarine.....	John Beck, Council Bluffs.
Sale of unlabeled oleomargarine.....	J. A. Kirk, Council Bluffs.
Sale of unlabeled oleomargarine.....	Martin Nelson, Council Bluffs.
Sale of unlabeled oleomargarine.....	Hans Peterson, Council Bluffs.
Sale of unlabeled oleomargarine.....	L. Green, Council Bluffs.
Sale of unlabeled oleomargarine.....	Bartle & Miller, Council Bluffs.
Sale of oleomargarine, having a yellow color.....	Harry Harrison, Sioux City.
Sale of unlabeled oleomargarine.....	Nelson & Niebel, Ames.
Sale of unlabeled oleomargarine.....	G. R. Barth, Council Bluffs.
Sale of unlabeled oleomargarine.....	Hugh Bain, Sioux City.
Sale of unlabeled oleomargarine.....	John Schwin, Sioux City.
Sale of oleomargarine, having a yellow color.....	John Crowley, Delmar.

Many of the prosecutions were for the sale of oysters containing added water. Upon this subject Commissioner Wright will say:

## OYSTERS.

Bulk oysters coming upon the market in this state contain various amounts of free liquid, that is, liquid that may be separated from them by a straining process. Oysters that are "dry packed," so called, show from 8 to 12 per cent of free liquid, and doubtless such an amount of free liquid indicates that no water or ice has been added to the oysters from the time they were taken from the shell. A number of prosecutions have been made by this department for the sale of oysters containing water and ice in proportions running as high as 50 per cent. It seems to have been the usual practice to soak or float oysters for a number of hours after taking them from the shell, during which time they absorb great quantities of water. The shipments of oysters with ice packed in them and the washing and further addition of water practiced by oyster jobbers most certainly results in adulteration of the oysters to a very considerable degree. The further addition of water by the retailer makes it easily possible to nearly double the bulk between the time the oysters are taken from the shell and the time they reach the consumer. Not only is this the fact, but the water and ice that are added are not always clean, and the oysters also give up to the water some of their soluble portions; hence such practice is one of cheating the last buyer, both by selling him water instead of oysters and also by selling him a product from which valuable portions have been extracted. Prosecutions for the sale of oysters so adulterated will continue.

A great many oyster jobbers of this state are now receiving oysters solid or dry packed in gallon cans or otherwise, so arranged that no ice or water comes in contact with the oysters, and retail dealers and consumers can easily secure such oysters if they insist upon having them.

Commissioner Wright will follow the government rulings on bleached flour and benzoate of soda.

Regarding the improvement in the condition of the food market in Iowa Commissioner Wright says:

Some practices which were well nigh universal before the food law went into effect have almost wholly gone out of use. The use of boracic and salicylic acid has practically ceased. The use of sodium sulphite for preserving chopped meats and coloring the same is now of rare occurrence. Adulterated buckwheat flour and adulterated maple syrup, formerly sold as the pure article, are now sold with labels indicating their true character. The character of extracts on sale in Iowa has been very much improved, and adulterations of vinegar have been much lessened. Sales of oysters containing added water are becoming much less frequent, and in general the character of the food supply has been much improved and where not improved particularly in quality the labels on the food and representations made in regard to them are much more nearly in accord with the truth than for-

merly. This result has been brought about partly by the enforcement of the food law, but largely by the voluntary effort of manufacturers, wholesale and retail dealers. It is very seldom that a wilful and intentional violation of the statutes is detected. Most violations arise from carelessness or inattention, and the number of dealers in the state who do take care to have their goods in conformity with the food law is a very large proportion of the whole. This department is anxious to render every assistance to dealers in food stuffs and will gladly give all the information possible upon request.

## BLEACHED FLOUR MEN TRY TO GET WILSON REVERSED.

## Formidable Movement on Foot to Have His Decision Against Their Product Changed.

A formidable movement, the purpose of which is to induce Secretary of Agriculture Wilson to modify or reverse his recent decision, in which he held that flour bleached by nitrogen peroxide is an adulterated product under the food and drugs act, is on foot. Hundreds of letters from millers of bleached flour in all parts of the country are being received daily by the secretary asking him to refer his ruling to the referee board of scientific experts for review. In numerous instances the communications are sent to members of Congress, and by them referred to the Secretary of Agriculture without any recommendation.

That Secretary Wilson resolutely will stand by his decision is indicated by the fact that in his replies to the various communications he declares that he can see no useful purpose in referring the question of bleached flour to the referee board.

This body, he states, is already overburdened with important matters, and he adds that the courts are open to those who want to appeal from his decision. "I am utterly hostile to having the people's foods tampered with," declared the Secretary today. "We want to know that what we eat is the pure product."

## WHAT A DEMOCRATIC NEWSPAPER SAYS ABOUT SECRETARY WILSON.

With the steel trust, the oil trust, the railroads; the eastern tariff barons and New England aristocracy represented in the new cabinet, the plain, everyday working westerner finds just one consolation in the prospect for the coming four years—James Wilson of Iowa is still to conduct the department of agriculture.—Chicago Evening Journal, Feb. 26.

Prof. E. F. Ladd of North Dakota and Prof. J. H. Sheppard of South Dakota are on their way to England to take part in a bleached flour case.



# REPORT OF INSPECTOR HOEY TO THE ILLINOIS FOOD COMMISSION ON DESSICATED EGGS.

January 22, 1909.

Hon. A. H. Jones,  
State Food Commissioner,  
Chicago, Illinois.

Dear Sir: I submit to you a report of the experimental work I have done on desiccated eggs in the interest of pure food. Mr. C. F. Lamont, one of the oldest manufacturers of desiccated eggs in Chicago, allowed Robert Young, the government food inspector, and myself the use of his factory in which to make this experiment. Mr. Young purchased the different classes of cold storage eggs on the market to desiccate. The following table shows the number of samples and the temperature of the factory and time of drying and the conditions of the eggs before and after they were desiccated.

TABLE SHOWING TESTS ON DESSICATED EGGS.

Sample No.	Different Classes of Eggs Desiccated.	Hours for	Temperature.	Odor.	Taste.	Color.	Quality.
16305	Made from spotted eggs. Spots left in.	6	98-106	Musty	Musty	Dark Yellow	Poor
16306	Made from spotted eggs. Spots left in.	6	98-106	Musty	Musty	Dark Yellow	Poor
16307	Made from mixed eggs candled from spotted eggs.	6	98-106	Musty	Musty	Dark Yellow	Poor
16308	Made from fair eggs candled from spots	6	98-106	Musty	Musty	Dark Yellow	Poor
16309	Made from No. 1 cold storage eggs.	5	98-106	Excellent.	Excellent.	Dark Yellow	Excellent.
16310	Made from No. 2 cold storage eggs.	6	100-104	Good	Good	Dark Yellow	Good
16311	Made from frozen liquid eggs and sour before desiccated.	6	98-106	Slightly taint'ed	Musty	Light Yellow	Poor
16312	Made from frozen liquid eggs with sweet syrup in.	6	98-106	Good	Good	Dark Yellow	Good
16314	Made from frozen liquid eggs with sweet syrup and preservative in. Found sour before desiccated.	6	98-106	Slightly taint'ed	Musty	Light Yellow	Poor
16315	Made from rotten eggs.	5	100-104	Very bad	Very bad	Dirty Yellow	Very bad
16316	Made from rotten eggs with sweet syrup and preservative.	5	100-104	Bad	Bad	Dirty Yellow	Bad
16317	Made from rotten eggs candled from spotted eggs.	6	100-104	Bad	Bad	Dirty Yellow	Bad

The cost of above eggs per dozen before desiccated grade No. 1 Cold Storage were 34c per dozen; No. 2 Cold Storage eggs, 22c per dozen; spotted eggs, 9c per dozen; frozen liquid eggs, 12c per pound. It takes three pounds of frozen liquid eggs to make one pound of desiccated eggs. The weight of broken shell eggs before desiccating average about one pound and ten ounces per dozen. Number of eggs required to make one pound of dried eggs are three dozen. The desiccated eggs are sold at 35c and 40c per pound for low grade; good grade, 55c and 57c per pound.

In the spring of the year and in June, July and August, when eggs are sold from 8 to 15 cents per dozen, they are bought up by speculators and put in cold storage. The cracked, weak and dirty shelled

eggs are assorted out by egg inspectors and sold to canners, who break them in cans and put them up in liquid form. They are then sealed up and put in cold storage and frozen solid, and when eggs get scarce and prices go up, they are sold to bakers and manufacturers of desiccated eggs at a good profit.

Fresh eggs are now selling from 45 to 50 cents per dozen.

My observation is that all spotted and weak eggs



INSPECTOR FRANK J. HOEY.

that are rejected by egg inspectors are bought up by the desiccated egg manufacturers and then desiccated and sold to bakers, and the manufacturers claim the rotten eggs are sold to tanners for use in softening leather for ladies' gloves, and it devolves on the State Food Commission to specify what classes of eggs should be desiccated for human food, and also to establish a standard for eggs.

Respectfully submitted,

F. J. HOEY,  
State Food Inspector.

## MICHIGAN AND MARYLAND RELEASED FROM FOOT-AND-MOUTH DISEASE QUARANTINE

United States Department of Agriculture,  
Bureau of Animal Industry.

Washington, D. C., March 13, 1909.

The federal quarantine on account of foot-and-mouth disease has been entirely removed from the states of Michigan and Maryland, effective March 15, no cases of the disease having been found in those states since early in December. The quarantine on certain portions of New York and Pennsylvania remains in effect, but covers only the particular townships in which the disease existed, together with certain adjoining township. Live stock, hides, skins, hoofs, etc., may be moved interstate from the quarantined portions of New York and Pennsylvania, however, upon certain conditions with the permission of the United States Department of Agriculture.

In the famous Secret Service report presented to Congress detailing the various employments of Secret Service agents in government service it is stated that 2,177 persons were employed under the Meat Inspection Act in 1908 and in 1909 a few more. In the Department of Chemistry 109 persons were employed in 1908 and 122 in 1907.



## CONSTITUTIONALITY OF FOOD LAW QUESTIONED.

### Attorney General's Opinion of the Acetphenetidin-Acetanilid Controversy

The following is an abstract of the opinion recently rendered by Ex-Attorney-General Bonaparte on the acetphenetidin-acetanilid controversy:

The Honorable, the Secretary of Agriculture:

Sir—I have the honor to acknowledge the receipt of your letters of Nov. 23, 1907, and Dec. 14, 1908, in which you ask my opinion upon two questions namely:

1. Is acetphenetidin a derivative of acetanilid within the meaning of Section 8 of the Food and Drugs Act?

2. If acetphenetidin be held to be such a derivative of acetanilid is it sufficient to declare it on labels merely as acetphenetidin or must it be stated to be a derivative of acetanilid?

From the papers transmitted and such further information as I have received from your Department, I understand that the Secretaries of the Treasury, Agriculture, and Commerce and Labor, in Rule 28, promulgated by them under Section 3 of the Food and Drugs Act, designated acetphenetidin as one of the derivatives of acetanilid; and that the Secretary of Agriculture on March 13, 1907, ruled that the name should be employed in stating the quantity or proportion of the ingredients required by the act to be stated on the labels in the case of derivatives should be the trade name of the derivative, accompanied by the name of the parent substance used in the act; that is to say, acetphenetidin should be labeled "acetphenetidin (derivative of acetanilid)," or words to that effect.

We must consider, in the first place, whether the regulation adopted by the three secretaries is conclusive of the first question, in so far as it designates acetphenetidin as a derivative of acetanilid. Section 3 of the Food and Drugs Act provides that the Secretary of the Treasury, the Secretary of Agriculture, and the Secretary of Commerce and Labor shall make uniform rules and regulations for carrying out the provisions of this Act, etc. I do not think that it was intended by this section to confer absolute power upon the three secretaries to determine what particular drugs are derivatives of those mentioned in Section 8 sub-section 2, with reference to drugs. In my opinion, it was only intended by Section 3 to confer upon those secretaries the power to adopt such rules and regulations as are appropriate to secure the enforcement of the act, and not to vest in them any judicial powers to determine when the act of a manufacturer or dealer in drugs or foods constitutes an offense under the statute; if the statute could be so construed, I should entertain serious doubt as to its constitutionality. It appears to me, therefore, that the first question which you submit is essentially one of fact, to be determined, in the first instance, by yourself, and, in the event of judicial proceedings based upon your determination, by the appropriate tribunal (court or jury, according to circumstances) called to pass finally upon issues of fact joined in such proceedings. The papers submitted with your letters show, moreover, that the question is not merely one of fact, but a question of fact very earnestly controverted. It is, of course, evident that this Department is neither required nor qualified to give an opinion as to such a question; nevertheless, deeming it appropriate to afford you any possible assistance which it may be within the province of this Department to furnish, I proceed to give you my opinion as to a question of statutory construction, and therefore of law, which may be, and appears from some of the papers to be, in fact, involved in the question whether acetphenetidin is a derivative of acetanilid; that is to say, the meaning of the word "derivative" as used in Section 8 of the Food and Drugs Act.

It is claimed by the manufacturers of acetphenetidin, in the documents submitted on their behalf that a derivative, as used in the act, means substantially a product, and that, unless it can be shown that the acetphenetidin which they manufacture is, in fact, produced by the use of acetanilid, or, at all events, that such is the normal process whereby acetphenetidin is made, their goods cannot be described, with propriety, as a "derivative" of acetanilid. In support of this contention they refer to the cases of *Pickhardt vs. United States* (99 Fed. Rep., 719) and *Farbenfabriken of Elberfeld Co. vs. United States* (102 Fed. Rep., 603).

I can answer your first question only by saying that, in my opinion, acetphenetidin is to be considered a "derivative" of

acetanilid if it is so related to the latter substance that it would be rightly regarded by recognized authorities in chemistry as obtained from the latter "by actual or theoretical substitution"; and it is not indispensable that it should be actually produced therefrom as a matter of fact.

Your second question requires a construction of the sub-section of Section 8 of the Food and Drugs Act, above quoted. This sub-section establishes what may be called an artificial definition of misbranding, by providing that, in addition to certain other contingencies, a drug shall be deemed to be misbranded if the package fail to bear a statement on the label of the quantity or proportion of certain designated drugs, including acetanilid, "or any derivative . . . of any such substances contained therein."

I am, therefore, of the opinion that a rule or regulation requiring the name of the parent substances to follow that of the derivative would be in harmony with the general purpose of the act, and an appropriate method by which to give effect to its provisions. In the absence, however, of a regulation to this effect, I do not think you can hold a package misbranded because the name of the parent substance does not follow that of the derivative, for it would certainly be a harsh construction of a penal provision such as this to hold that the package and its owner shall incur the grave consequences of misbranding under the statute because of this omission since there is nothing in the law itself to inform the said owner that such omission would constitute an offense.

The subject appears to me one eminently appropriate for regulation by the three secretaries under the power conferred upon them by Section 3 of the act, since it seems plain that the method of designating the derivative or preparation is one of those matters properly to be determined by a general rule applicable to all such cases; the purpose of Section 3 being to enable the three secretaries to specialize, for practical purposes, the general language of the act, so as to adapt it to the circumstances of particular cases arising in its enforcement. Until such action shall be taken it would seem that the effective enforcement of this provision with respect to "derivatives" or "preparations" will be virtually impracticable.

In answer to your second question, therefore, I advise you that a rule or regulation requiring the name of the parent substance to follow that of the derivative would be within the power of the board constituted by Section 3 of the act; but that, in the absence of such a rule, no offense would be committed, under the act, by the omission of the name of the parent substance, nor could the article in such case be dealt with as misbranded for that reason alone.

### BULLETIN No. 15.

#### BLEACHED FLOUR.

Food Inspection Decision No. 100 U. S. Department Agriculture, gives the following opinion of James Wilson, Secretary of Agriculture, with reference to flour bleached with nitrogen peroxide:

"It is my opinion, based upon all the testimony given at the hearing, upon the reports of those who have investigated the subject, upon literature, and upon the unanimous opinion of the Board of Food and Drug Inspection, that flour bleached by nitrogen peroxide is an adulterated product under the Food and Drugs Act of June 30, 1906; that the character of the adulteration is such that no statement upon the label will bring bleached flour within the law; and that such flour cannot legally be made or sold in the District of Columbia or in the territories; or be transported or sold in interstate commerce; or be transported or sold in foreign commerce except under that portion of Section 2 of the law which reads:

\*\*\*Provided, that no article shall be deemed misbranded or adulterated within the provisions of this act when intended for export to any foreign country and prepared or packed according to the specifications or directions of the foreign purchaser, when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is intended to be shipped; \* \* \*

The Illinois Food Law contains the same provisions applying to bleached flour as the Federal Food Law. Accordingly the sale of flour bleached with the oxides of nitrogen will be contested on and after September 12, 1909. Millers and jobbers of flour should brand the unbleached product with some distinguishing mark so that dealers may from the branding distinguish the bleached from the unbleached flour. All bleached flour on hand must be disposed of before September 12, and the plea that old and new shipments have become mixed will not avail.

A. H. JONES,  
State Food Commissioner.



**BULLETIN No. 16.****HAMBURGER STEAK.**

It has come to the attention of this department that it is a common practice in meat markets of this state to adulterate hamburger steak with preservative, and sell the same to the consumer without notifying him of the adulteration. This is a violation of the Illinois State Food Law.

The preservative commonly used is sodium sulphite. This is generally sold to the dealer by the unscrupulous manufacturer under another name as an absolutely harmless product. The fact is that sodium sulphite is a substance of very questionable wholesomeness and its physiological action is now being investigated by the Referee Board of Consulting Scientific Experts appointed by President Roosevelt. Pending the report of this Board, the Federal Government limits the amount of this substance that may be used in foods to not exceeding 350 milligrams of total (That is, both free and combined) sulphur dioxide per liter or kilogram ( $=0.035\%$ ), of which not exceeding 70 milligrams is in a free state ( $=0.007\%$ ).

Finely chopped meat darkens rapidly and many dealers claim that their only reason for using a preservative is to prevent this change of color. But the use of a preservative also aids the unscrupulous dealer in selling as fresh meat, chopped meats made from scraps collected at the meat block and kept in a barrel of questionable cleanliness till the time of chopping, even when the scraps are some of them in a questionable condition. The consumer in buying hamburger steak believes he is buying fresh meat and not a product manufactured from meat and a questionable preservative.

Accordingly all such preserved hamburger steak not otherwise labeled as required by law, shall bear a placard in large letters, and placed in a prominent position so as to be easily read by the consumer stating *Hamburger Steak Preserved with Sodium Sulphite*.

The amount used shall not exceed that stated above.

The fact that sodium sulphite is sold under such names as Freeze-em, etc., does not free the dealer from the necessity of using the true name, Sodium Sulphite, on the placard. Those dealers in meat who wish to give their customers a food containing no questionable ingredients will discontinue the use of this questionable substance on receipt of this notice.

A. H. JONES,  
State Food Commissioner.

### **CALIFORNIA LEGISLATURE ADOPTS JOINT RESOLUTION IN REGARD TO DRIED FRUITS.**

On February 19, 1909, the California legislature adopted the following resolution:

Whereas, Under the National Food and Drugs Act of June 30, 1906, known as the "Pure Food Law," a decision was rendered by the department of agriculture designated as "Food Inspection Decision No. 76," limiting the amount of sulphur dioxide in dried fruit for interstate shipment to 35-1000 of 1 per cent, and

Whereas, It was found impossible on the part of the California growers and shippers of dried fruit to produce a sound and merchantable product for such interstate shipment and keep the same within the requirements of said food inspection decision, and

Whereas, Said sulphured dried fruits, such as peaches, pears, apricots and apples, have for many years been prepared by this method (known as sulphuring) without injury to the product or to the consumer and the most eminent scientific and medical authorities have declared such sulphured fruit to be non-injurious and healthful, and

Whereas, The president of the United States has appointed a national commission composed of eminent scientific men to investigate and report on this question and pending such report, said food inspection decision No. 76 stands suspended, and

Whereas, There is pending and to be introduced in the legislatures now in session and to convene in other states, a bill prepared by the association of state and national food and dairy departments, which bill, should it become a law in any state, would prohibit the sale therein of any food product containing sulphur dioxide; now, therefore, be it

Resolved by the senate and assembly jointly, That it is believed that such an enactment passed in any state at this time is unnecessary and premature and that the result of the adoption of such law would work an incalculable hardship upon and be an injustice to the dried fruit industry of Cali-

fornia and the trade of the United States and that such legislation should, at least, be deferred until the said national referee commission shall have rendered its report, and be it further

Resolved, That copies of this resolution be forthwith transmitted to the governors and legislative bodies of all states where the legislatures are now in session or about to convene, asking their consideration lest they—before a full hearing and decision is rendered—impair and destroy an industry that supports and sustains hundreds of thousands of persons in every portion of the United States.

**EXIT WILEY.**

And if Doc Wiley goes  
Where the woodbine blooms and grows,  
The Blenders and the Whisky Trust  
Will surely come to blows.  
It is a shameful trick,  
And the Whisky Trust is sick;  
And shameless Blenders laugh and say  
Ben Zoate threw the brick.

Doc Wiley's down and out  
You can hear the canners shout,  
And Heinz's little Pickle Trust  
Is bleeding at the snout;  
When the Doctor got it quick  
From the butt of Teddy's stick,  
The Poison Squad sat up and yelled  
Ben Zoate threw the brick.

—Boston Traveler, Monday, March 1, 1909.

F. I. D. 103

Issued January 27, 1909

## **United States Department of Agriculture**

OFFICE OF THE SECRETARY  
BOARD OF FOOD AND DRUG INSPECTION

### **FOOD INSPECTION DECISION 103**

#### **THE LABELING OF TURPENTINE**

The Department has received a number of letters with reference to the proper labeling of the product generally known as "wood turpentine," etc., obtained by steam distilling or destructively distilling woods. Food Inspection Decision 58 recognizes that—

Products used in the arts and for technical purposes are not subject to the Food and Drugs Act \* \* \* when plainly marked so as to indicate that they are not to be employed for food or medicinal purposes.

It is held, therefore, that when wood turpentine is labeled "Not for Medicinal Use," etc., it is not subject to the food and drugs act. When not so labeled it is in violation of section 7 of the food and drugs act unless labeled "wood" or "stump" turpentine. Articles labeled "turpentine," "spirits of turpentine," or "gum turpentine," etc., must comply with pharmacopœial requirements; that is, they must be light oils of certain properties made by distilling the oleoresin of various species of Pinus. The word "wood" or "stump" should be in the same type and on the same background as the word "turpentine," thus being given equal prominence.

H. W. WILEY,

F. L. DUNLAP,

GEO. P. McCABE,

Board of Food and Drug Inspection.

Approved:

JAMES WILSON,

Secretary of Agriculture.

WASHINGTON, D. C., January 22, 1909.

The United States Senate passed a bill allowing the George Washington University for the District of Columbia to receive the appropriation allowed agricultural colleges, provided the said college carry on courses in agriculture.

"Nothing venture nothing gain" is a very old adage, and no one has any reason to expect unusual gains without proportionate risk.



F. I. D. 104

Issued March 3, 1909

## United States Department of Agriculture

OFFICE OF THE SECRETARY  
BOARD OF FOOD AND DRUG INSPECTION

### FOOD INSPECTION DECISION 104

#### AMENDMENT TO FOOD INSPECTION DECISIONS No. 76 AND No. 89, RELATING TO THE USE IN FOODS OF BENZOATE OF SODA

The Referee Board of Consulting Scientific Experts, composed of Dr. Ira Remsen, Dr. Russell H. Chittenden, Dr. John H. Long, Dr. Alonzo E. Taylor, and Dr. C. A. Herter, have reported upon the use of benzoate of soda in foods. The board reports, as a result of three extensive and exhaustive investigations, that benzoate of soda mixed with food is not deleterious or poisonous and is not injurious to health. The summary of the report of the Referee Board is published herewith.

It having been determined that benzoate of soda mixed with food is not deleterious or poisonous and is not injurious to health, no objection will be raised under the Food and Drugs Act to the use in food of benzoate of soda, provided that each container or package of such food is plainly labeled to show the presence and amount of benzoate of soda.

Food Inspection Decisions 76 and 89 are amended accordingly.

GEORGE B. CORTELYOU,  
*Secretary of the Treasury.*  
JAMES WILSON,  
*Secretary of Agriculture.*  
OSCAR S. STRAUS,  
*Secretary of Commerce and Labor.*

#### The Influence of Sodium Benzoate on the Nutrition and Health of Man.

Of the questions referred to this Board\* the first to engage our attention have been the following:

(1) "Does a food to which there has been added benzoic acid, or any of its salts, contain any added poisonous or other added deleterious ingredient which may render the said food injurious to health? (a) In large quantities? (b) In small quantities?"

(2) "If benzoic acid or any of its salts be mixed or packed with a food, is the quality or strength of said food thereby reduced, lowered, or injuriously affected? (a) In large quantities? (b) In small quantities?"

To obtain satisfactory answers to these questions the Board has felt it necessary to carry through a careful investigation of the effect of benzoic acid or some one of its salts on the nutrition and general health of man. A thorough study of the literature giving the results of work done by various investigators on the physiological effects of benzoic acid and its salts, together with a study of reported clinical and medical observations, therapeutic usage, etc., have made it apparent that additional work was needed to render possible a conclusive answer to the above questions.

With a view to limiting the scope of the work, while at the same time meeting all practical requirements, our investigation, with the consent of the Secretary of Agriculture, has been confined to a study of the effect of the sodium salt of benzoic acid, viz, sodium benzoate.

To make this experimental inquiry as thorough as possible, and to minimize the personal equation, three independent investigations have been carried out—one at the medical school of Northwestern University, in Chicago, under the charge of Prof. John H. Long, of that institution; a second at the private laboratory of Prof. Christian A. Herter, of Columbia University, New York City; and the third at the Sheffield Scientific School of Yale University, in charge of Prof. Russell H. Chittenden.

The same general plan of procedure was followed in all three experiments. A certain number of healthy young men were selected as subjects, and during a period of four months these men, under definite conditions of diet, etc., with and without sodium benzoate, were subjected to thorough clinical and medical observation, while the daily food and the excre-

tions were carefully analyzed, and otherwise studied, and comparison made of the clinical, chemical, bacteriological, and other data collected. (For details, see the individual reports.) In this manner material has been brought together which makes possible conclusions regarding the effect of small and large doses of sodium benzoate upon the human system.

In fixing upon the amount of sodium benzoate that should constitute a "small dose," we have adopted 0.3 gram of the salt per day. Manufacturers of food products, which in their view require the use of a preservative, are in general content with 0.1 per cent of sodium benzoate. This would mean that in the eating of such a preserved food the consumer would need to take 300 grams per day, or nearly two-thirds of a pound of preserved food to ingest an amount of benzoate equal to our minimal daily dosage. Looked at from this point of view, our dosage of 0.3 gram per day seemed a fair amount for a "small dose," one that would clearly suffice to show any effect that small doses of the salt might exert, especially if continued for a considerable length of time. In all these four experiments this daily dosage was continued for a period of about two months. Under "large dose" was included quantities of sodium benzoate ranging from 0.6 gram to 4 grams per day. Such a daily dosage was continued for a period of one month. In a few instances somewhat larger doses were employed.

As the amount and character of the daily diet exert a well-known influence upon many of the metabolic or nutritive changes of the body, as well as upon the bacterial flora of the intestines, attention is called to the fact that the three investigations differed from each other in the amount of protein food consumed daily, thereby introducing a distinctive feature which tends to broaden the conditions under which the experiments were conducted.

The conclusions reached as a result of the individual investigations are given at length in the separate reports herewith presented, together with all of the data upon which these conclusions are based.

The fact should be emphasized that the results obtained from the three separate investigations are in close agreement in all essential features.

The main general conclusions reached by the Referee Board are as follows:

First.—Sodium benzoate in small doses (under 0.5 gram per day) mixed with the food is without deleterious or poisonous action and is not injurious to health.

Second.—Sodium benzoate in large doses (up to 4 grams per day) mixed with the food has not been found to exert any deleterious effect on the general health, nor to act as a poison in the general acceptance of the term. In some directions there were slight modifications in certain physiological processes, the exact significance of which modifications is not known.

Third.—The admixture of sodium benzoate with food in small or large doses has not been found to injuriously affect or impair the quality or nutritive value of such food.

IRA REMSEN, *Chairman.*  
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JOHN H. LONG,  
CHRISTIAN A. HERTER,

*Referee Board of Consulting Scientific Experts.*

"I want you to notice the patient's mean temperature—" "Why, doctor, I never noticed he had any other kind."

WILLIS BALDWIN

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\*Dr. Alonzo E. Taylor, Professor in the University of California, a member of this Board, owing to absence in Europe, has not been able to participate in the investigations embodied in this report.



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# THE AMERICAN FOOD JOURNAL



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## Synopsis of Food Laws Pending and Passed In State Legislatures.

The following tabulated and compiled list of Food Laws passed and pending in the various states will be found to be of great value to our readers and will keep them informed on Food, Drug and Sanitary Legislation. The list is as complete as could be made possible up to the date of going to Press (April 15th.) The states are arranged in alphabetical order, the Senate Bills being Recorded first, the House Bills following; wherever possible we have shown number of Bill, the introducer and to what committee referred and what action if any the committee has taken, also recording Bills passed and date of adjournment of the Legislature. The list is corrected monthly until all the different Legislatures have adjourned. We will from time to time print in full all Bills passed and approved until all new Food Legislation is recorded in our columns.

**Editor's Note:** A number of the so-called Pure Food Journals have copied our list as published without giving credit. The records found below are keyed and any paper copying this list will be good enough to credit the same.

### Arizona.

The Legislature has adjourned.  
No new pure food, drug or sanitary legislation was passed.

### Alabama.

The Legislature has adjourned.  
No new pure food, drug or sanitary legislation was passed.

### Arkansas.

Legislature adjourned May 12th.  
SENATE BILL NO. 185.  
Regulates concentrated Feeding Stuffs.

### California.

Legislature has adjourned, and has passed the following laws:

#### SENATE BILL NO. 47.

By Mr. McCartney, Jan. 8, 1900.

Referred to Committee on Public Health and Quarantine.

Amended Jan. 19, 1909.

Amended in Senate Feb. 2d, 1909.

Is a sanitary bill to compel all places where food or drink is produced or sold to be clean and sanitary, and all persons handling food or drink to be clean and healthy.

This bill has become a law.

#### SENATE BILL NO. 51.

By Senator McCartney, Jan. 8, 1909.

Referred to Committee on Public Health and Quarantine.

Is a bill to amend the 6th section of the food law of California, approved March 11, 1907.

The amendments consist simply in defining misbranding. The definitions conform closely to the National Food Law.

This bill was amended in Senate January 19 and has passed both houses and signed by the governor and is now a law. It will be published in full in a subsequent issue of this journal.

#### SENATE BILL NO. 56.

By Mr. Cutter, Jan. 8, 1909.

Referred to Committee on Judiciary.

A bill to compel commission merchants, etc., to be honest in their dealings with their principals.

This bill has passed the Senate and the House and is now a law.

#### SENATE BILL NO. 768.

By Mr. Estudillo, Feb. 1, 1909.

Referred to Committee on Public Health and Quarantine.

Relates to the production and sale of certified milk.

This bill has passed the Senate and House and is now a law.

#### SENATE BILL NO. 936.

By Mr. McCartney, Feb. 8, 1909.

Referred to Committee on Public Health and Quarantine.

Is an act to amend Section 4 of the present Food Law of California.



The Ninth Definition of adulteration reads:  
 "Ninth. If it does not conform to the standards of purity therefor as promulgated by the Secretary of the United States Department of Agriculture."

Amended in Senate February 11th.

This bill has been recommended for passage by the committee.

This bill has passed the Senate and the House.

#### HOUSE BILL NO. 179.

By Mr. Transue, Jan. 11, 1909.

Referred to Committee on Labor and Capital.

Relating to the inspection of bakeries.

This bill has passed the House and Senate and is now a law.

#### HOUSE BILL NO. 1020.

By Mr. Transue, Feb. 3, 1909.

Referred to Committee on Live Stock, Dairy and Dairy Products.

Relates to the sale of dairy products.

This bill has passed both houses.

#### Colorado.

The Legislature has adjourned.

No new pure food, drug or sanitary legislation was passed, except four additional inspectors and slight increase in appropriation for work.

#### Connecticut.

##### HOUSE BILL NO. 54.

Relates to bake shops and the sanitation thereof.

##### HOUSE BILL NO. 84.

Relates to sanitation.

##### HOUSE BILL 93.

Relates to meat and meat food products.

##### HOUSE BILL NO. 149.

Referred to Committee on Agriculture.

Requires net weight or measure to be stated on all packages containing food.

##### HOUSE BILL NO. 495.

By Mr. Beckwith.

Relates to butter.

##### HOUSE BILL NO. 663.

By Mr. Donovan, February 11th.

Referred to Labor Committee.

Relates to bake shops.

#### Idaho.

The Legislature of Idaho adjourned March 5th, and passed the following bills and are now laws.

##### HOUSE BILL NO. 98.

By Mr. Shaw.

An act to amend Chapter 21 of Title 8 of the political code, revised codes of Idaho, by adding thereto Sections 1400a, 1400b, 1400c and 1400d, providing against the evils resulting from the traffic in certain narcotic drugs, regulating the sale thereof, and prescribing punishments for violation of those provisions.

##### HOUSE BILL NO. 171.

By Committee on Public Health.

An act relating to the preservation of the public health, prescribing certain duties for the state and local boards of health; providing for the establishment of bacteriological stations, and the appointment of bacteriologists; providing for the appointment of a county physician and the membership of county boards of health; amending Sections 1081, 1091, 1095, 1098 and 1099 of the political code, revised codes of Idaho; adding to Chapter 1 of Title 8 of the said political code, two sections to be known as sections 1097A and 1097B; repealing Sections 1109, 1110, 1111, 1112 and 1113 comprising Chapter 2 of Title 8 of said political code and declaring an emergency.

##### HOUSE BILL NO. 172.

By Committee on Public Health.

An act to amend Chapter 3 of Title 8 of the political code, revised codes of Idaho, relating to dairy, food and oil inspection, so as to abolish the Board of Dairy, Food and Oil Commissioners and transfer the duties imposed on said Board to the State Board of Health; to abolish the office of Dairy, Food and Oil Commissioner and to substitute there-

for the office of Dairy, Food and Sanitary Inspector; providing for the appointment and prescribing the duties of a State Chemist; and specifically amending Sections 1114, 1115, 1116, 1118, 1119, 1121, 1122, 1123, 1133, 1145, 1146, 1147, 1149, 1150 and 1152, and repealing Sections 1117, 1120 and 1148 of said Chapter 3, Title 8 of the political code of the revised codes of Idaho; so as to accomplish the purposes above specified, and declaring an emergency.

#### Illinois.

##### SENATE BILL NO. 35.

By Mr. Bailey, January 21, 1909.

Referred to Committee on Live Stock and Dairy.

For an act to regulate the sale of poultry.

##### SENATE BILL NO. 319.

By Mr. Olson, March 25, 1909.

Referred to Committee on Manufactures.

For an act to prevent the adulteration of linseed oil or flaxseed oil and to prevent fraud in the sale thereof, and in the sale of compounds thereof, and to repeal all acts in conflict herewith.

##### SENATE BILL NO. 342.

By Mr. Dailey, by request, March 30, 1909.

Referred to Committee on Manufactures.

For an act regulating the sale and manufacture of linseed oil.

##### SENATE BILL NO. 372.

By Mr. Stewart, April 1, 1909.

Referred to Committee on Manufactures.

For an act to prevent the preparation, manufacture, packing, storing or distributing of food intended for sale, or sale of food, under insanitary, unhealthful or unclean conditions or surroundings, for the appointment of inspectors, to create a sanitary inspection and to provide penalties for the violation thereof.

##### SENATE BILL NO. 389.

By Mr. Hurburgh, April 7, 1909.

Referred to Committee on Judiciary.

For an act to revise the law in relation to weights and measures, and to repeal a certain act therein named.

##### SENATE BILL NO. 390.

By Mr. Hurburgh, April 7, 1909.

Referred to Committee on Municipalities.

An act that the city council in cities, and the president and board of trustees in villages and incorporated towns, shall have power to require all grain, flour, meal, hay, feed, seeds, fruits, nuts, vegetables and non-liquid vegetable products, meats and non-liquid animal products, fish, butter, cheese and other similar dairy products, dry groceries and all other similar articles of merchandise, or any particular class or classes of such merchandise, in the absence of a contract or agreement in writing to the contrary, to be sold by standard avoirdupois weight or by numerical count.

##### SENATE BILL NO. 391.

By Mr. Hurburgh, April 7, 1909.

Referred to Committee on Manufactures.

For an act requiring commodities and merchandise sold, offered or exposed for sale, by the package, container or parcel to have marked on such package, container or parcel the net weight, the net measure or the number of the articles contained therein, fixing a penalty for violation of the same, providing certain defenses to prosecutions for violations thereof and repealing all acts contrary to or inconsistent with said act.

##### HOUSE BILL NO. 348.

By Mr. Abrahams, March 23, 1909.

Referred to Committee on Manufactures.

For an act to prevent fraud in the sale of white lead, paint or compounds intended for use as such.

##### HOUSE BILL NO. 370.

By Mr. Burgett, March 24, 1909.

Referred to Committee on Live Stock and Dairying.

For an act to provide for the inspection and licensing of all slaughtering, meat packing or rendering plant or plants or similar establishments in which cattle, sheep, swine or poultry are slaughtered to be done under and by authority of the Board of Live Stock Commissioners of the State of Illinois.

##### HOUSE BILL NO. 391.

By Mr. ApMadoc, by request, March 25, 1909.

Referred to Committee on Manufactures.

For an act to prevent the adulteration of linseed oil or flaxseed oil and to prevent fraud in the sale thereof, and in



the sale of compounds thereof, and to repeal all acts in conflict herewith.

## HOUSE BILL NO. 445.

By Mr. Galligan, March 31, 1909.

Referred to Committee on Manufactures.

For an act to protect the public from imposition in relation to canned and preserved food and other articles of food.

## HOUSE BILL NO. 466.

By Mr. Stearns, March 31, 1909.

Referred to Committee on Manufactures.

For an act providing for the licensing, regulation and inspection of cold storage warehouses and regulating the sale of articles of food stuff stored therein.

## HOUSE BILL NO. 468.

By Mr. Walsh, March 31, 1909.

Referred to Committee on Manufactures.

For an act to prohibit the use of coloring matter in the manufacture of sausage.

## HOUSE BILL NO. 477.

By Mr. Adkins, April 1, 1909.

Ordered to lie on the Speaker's table.

For an act to prevent creating a monopoly in the business of buying milk, cream or butter fat for the purpose of manufacture or buying poultry, eggs or grain for the purpose of sale or storage.

## HOUSE BILL NO. 493.

By Mr. Geshkewich, April 1, 1909.

Referred to Committee on Manufactures.

For an act providing for the licensing, regulation and inspection of cold storage warehouses and regulating the sale of articles of food stuff stored therein.

## HOUSE BILL NO. 506.

By Mr. Kowalski, April 1, 1909.

Referred to Committee on Manufactures.

For an act to protect the public from imposition in relation to canned and preserved food and other articles of food.

## HOUSE BILL NO. 515.

By Mr. McConnell, April 1, 1909.

Referred to Committee on Manufactures.

For an act to promote the public health by restricting and regulating the sale of foods containing chemical preservatives.

## HOUSE BILL NO. 521.

By Mr. Pierson, April 1, 1909.

Referred to Committee on Manufactures.

For an act to prevent the preparation, manufacture, packing, storing or distributing of food intended for sale, or sale of food, under insanitary, unhealthful or unclean conditions or surroundings, for the appointment of inspectors, to create a sanitary inspection and to provide penalties for the violation thereof.

## HOUSE BILL NO. 525.

By Mr. Stearns, April 1, 1909.

Referred to Committee on Manufactures.

For an act to regulate and prohibit the misbranding or the non-branding of food products other than hermetically sealed canned goods.

## HOUSE BILL NO. 544.

By Mr. Nelson, April 2nd, 1909.

Referred to Committee on Municipal Corporations.

For an act to extend the powers of the city council in cities and the president and board of trustees in villages and incorporated towns.

This is a duplicate of Senate Bill No. 390.

## HOUSE BILL NO. 545.

By Mr. Nelson, April 2, 1909.

Referred to Committee on Manufactures.

For an act to revise the law in relation to weights and measures, and to repeal a certain act therein named.

## HOUSE BILL NO. 546.

By Mr. Nelson, April 2, 1909.

Referred to Committee on Manufactures.

For an act requiring commodities and merchandise sold, offered or exposed for sale, by the package, container or parcel to have marked on such package, container or parcel the net weight, the net measure or the number of the articles contained therein, fixing a penalty for violation of the same, providing certain defenses to prosecutions for violations thereof and repealing all acts contrary to or inconsistent with said act.

**Indiana.**

The Legislature of Indiana has adjourned and passed the following three laws relating to Food Stuffs:

## ENGROSSED H. B. 44

This bill passed both houses, and has been signed by the Governor, and has become a law.

## HOUSE BILL NO. 308.

By Mr. White.

Referred to Committee on Sanitation.

Is a sanitary regulation and will affect particularly those maintaining establishments for the manufacture of food in Indiana.

This bill has passed both houses and has been signed by the Governor and is now a law, and was printed in the March issue of this journal.

## H. B. 345.

Has passed both Houses, signed by the Governor and is now the law of the State.

**Iowa.**

The Legislature adjourned April 10.

The only new pure food, drug or sanitary legislation adopted is the following which is a standard for oysters:

## HOUSE FILE NO. 321.

By Mr. Hanson.

A bill for an act to amend the law as it appears in Section Four Thousand Nine Hundred and Ninety-Nine-a Thirty-One (4999-a 31) of the supplement to the code Nineteen Hundred and Seven (1907) relating to food standards.

Be it Enacted by the General Assembly of the State of Iowa:

Section 1. That section Four Thousand Nine Hundred and Ninety-Nine-a Thirty-one (4999-a 31) be amended by adding thereto the following: "Oysters shall not contain ice, nor more than sixteen and two-thirds (16 2-3) per cent by weight of free liquid."

**Kansas.**

Legislature adjourned March 10th, and passed the following Pure Food, Drug and Weight and Measure Bills, and are published in another part of this issue of The American Food Journal.

## SENATE BILL NO. 134.

## SENATE BILL NO. 135.

**Maine.**

The Legislature has adjourned.

## SENATE BILL NO. 39.

Relates to dairy products.

## SENATE BILL NO. 108.

Relates to fertilizers, commercial feeding stuffs and agricultural seeds.

This bill has passed the House.

## HOUSE BILL NO. 7.

Relates to dairy products.

## HOUSE BILL NO. 10.

Is a bill relating to dairy products.

## HOUSE BILL NO. 16.

Is a bill relating to dairy products.

## HOUSE BILL NO. 204.

Relates to Dairy Products.

## HOUSE BILL NO. 210.

(New Draft.)

Relates to the Sale of Milk.

## HOUSE BILL NO. 220.

(New Draft.)

Relates to the Sale of Milk.

## HOUSE BILL NO. 415.

Relates to milk.

**Massachusetts**

## SENATE BILL NO. 92.

Relates to dairy products and has been recommended for passage.

## HOUSE BILL NO. 200.

Referred to Committee on Health.

This bill codifies the laws relating to Foods and Drugs.

## HOUSE BILL NO. 743.

Jan. 26, 1909.

Relates to dairy products.

## HOUSE BILL NO. 744.

Jan. 26, 1909.

Relates to dairy products.

## HOUSE BILL NO. 865.

Relates to the sanitation of food producing establishments.



## HOUSE BILL NO. 1036.

By Mr. Bailey.

Establishes a standard for vinegar.

## HOUSE BILL NO. 1036.

Jan. 27, 1909.

Relates to the sale of vinegar.

## HOUSE BILL NO. 1017.

Jan. 27, 1909.

Relates to dairy products.

## HOUSE BILL NO. 140.

By Mr. Snell.

March 2d.

Referred to Committee on Public Health.

Regulates the manufacture and sale of Ice Cream.

It fixes a standard at 12% of butter fat instead of 8%.

It requires percentage of gelatine or vegetable gums used to be stated on the label.

It requires manufacturers of Ice Cream to take out a license each year and pay a fee of five dollars for same.

It requires any dispenser of Ice Cream containing gelatine or vegetable gum to display a placard reading "We use Ice Cream Containing Gelatine."

## HOUSE BILL NO. 1213.

Relates to the inspection of vinegar.

## HOUSE BILL NO. 1215.

Jan. 28, 1909.

Relates to the sale of vinegar and will affect corn sugar vinegar.

**Michigan.**

## SENATE BILL NO. 140.

By Mr. Snell.

March 2d.

Amends the present Food Law as follows:

"1. By inserting in line 4 of Section 1, after the word 'contain' the words 'other than.'

"2. By striking out of line 6 of Section 8, the words 'one inch' and inserting in lieu thereof the words 'three fourths of an inch.'

"3. By inserting in line 9 of Section 7 after the word 'thereafter' the words 'the money so collected by the Dairy and Food Commissioner shall be paid into the State treasury and be used to help defray the expenses of the office of Dairy and Food Commissioner in addition to the annual appropriation.'"

The above bill has passed the Senate and is in the House Committee on State Affairs.

## SENATE BILL NO. 139.

By Mr. Snell.

March 2d.

Referred to Committee on Public Health.

Relates to cold storage eggs, butter and game.

## HOUSE BILL NO. 283.

By Mr. Straight.

This bill establishes uniform weights and measures of the various products of cereals in barrels and provides for labeling weights.

The above bill has been recommended for passage with the following amendments:

Section 2. Strike out "Amount" (the 12th word from the end of the Section) and substitute "weight."

Section 5. After the last word of this section insert: "Provided, further, that a variation in weight of three per cent shall be allowed for evaporation or leakage."

**Minnesota.**

Legislature Adjourns April 23.

## SENATE BILL NO. 38.

Is an oleomargarine bill.

## SENATE BILL NO. 181.

By Mr. Bedford.

Makes it an offense to pack any food in any box, barrel, bottle, or package that has been used before, unless the same is thoroughly fumigated or cleaned prior to the repacking.

## SENATE BILL NO. 231.

By Mr. Anderson.

Relates to the salary, etc., of the Dairy and Food Commissioner and to dairy products. This bill has passed the Senate and has been favorably reported by House Committee.

## SENATE BILL NO. 272.

By Mr. White.

Relates to the sanitation of food producing establishments.

## SENATE BILL NO. 315.

By Mr. White.

Referred to Committee on Dairy Products.

Relates to process and renovated butter.

## SENATE BILL NO. 264.

By Mr. Raully.

The above is a bill for an act to require certain vegetables, agricultural products, articles of food and other goods, wares and commodities to be bargained for, marketed, bartered, sold and vended by avoirdupois weights.

It relates to the following products only:

Dry beans, dry peas, green beans, green peas, spinach, beets, carrots, parsnips, Irish potatoes, sweet potatoes, white turnips, rutabagas, onions, tomatoes, butter, lard, green apples, cranberries, bananas, wheat, oats, corn, hay, straw, mixed feed, clover seed, broom corn, seed, sorghum seed, rye, buckwheat, hemp seed, rape seed barley, millet, Hungarian grass seed, timothy seed, coal, charcoal, blue grass seed, orchard grass seed, red top seed, plastering hair, lime and cement.

## SENATE BILL NO. 619.

This bill amends Chapter 455 of the General Laws of the year 1907, entitled:

"An act to provide for the inspection of canneries, publishing reports of same, and establishing a grade for canned fruits and vegetables."

As it relates to canned fruits and vegetables, and particularly to canning factories in Minnesota. This bill has passed the Senate.

## HOUSE BILL NO. 627.

By Mr. Nolan.

Referred to Commissioner on Public Health &amp; Pure Food.

The above bill is a sanitary measure and it affects particularly those firms doing a local business in Minnesota and maintaining local establishments. The Judiciary Committee has reported this bill for indefinite postponement.

## HOUSE BILL NO. 404.

Relates to the sanitation of food producing establishments.

## HOUSE BILL NO. 600.

By Mr. Sullivan.

Referred to Committee on Public Health.

Provides Sanitary Regulations for bakeries and instrumentalities used in connection therewith.

## HOUSE BILL NO. 629.

By Mr. White.

Makes it an offense for anyone to cheat by means of short weights or measures or false representations regarding weights and measures. This bill has been favorably reported for passage.

## HOUSE BILL NO. 639.

By Mr. Thorpe.

Referred to Committee on Public Health.

The above is a general food law to prohibit the manufacture of adulterated or misbranded food.

Section 3, Paragraph 4 provides that an article shall be deemed to be adulterated if it is colored or flavored in imitation of the genuine color or flavor of another substance of a previously established name.

Paragraph 2 of Section 4 prohibits the sale of imitations.

The 4th paragraph of Section 4 provides that when food is kept in tin or other receptacles for such a length of time that it tends to render the article unwholesome the fact of such excessive age of the article must be plainly made known to the purchaser or consumer.

Section 5 gives the Food Commissioner power to adopt and fix standards of purity, quality or strength for food products. It also says that when such standards differ from the national standards the commissioner shall arrange for a conference between the government, himself and a representative of the trade for the purpose of arranging a uniform state and national standard.

Section 6 provides that when more than one sample of the same brand of food has been taken and examined the first examination shall be construed to apply to all samples taken.

Section 8 provides that any manufacturer offering any article of food for sale in the State of Minnesota shall file with the commissioner, when so requested by the commissioner, the name of the products made by the manufacturer, the place of manufacture, and a true copy of all labels used thereon.

Section 9 provides that a guaranty may be given, to citizens of Minnesota, but limits the right to give a guaranty to citizens of Minnesota or manufacturer residing or doing business in Minnesota. This bill has passed the house.



## HOUSE BILL NO. 852.

The Public Committee of the House introduced House Bill No. 852, authorizing the State Board of Health to adopt regulations in regard to the Sanitation of Food Producing Establishments. The bill has been sent to the general order. It is a duplicate of Senate Bill No. 603.

## HOUSE BILL NO. 1017.

By Mr. Holmberg, March 24th.

Referred to Committee on Dairy Products and Live Stock. This bill is for an act regulating the labeling of the products of pasteurized milk and cream.

## HOUSE BILL NO. 1026.

By Mr. Wallace, March 25th.

Referred to Committee on Commerce and Retail Trade.

This bill relates to weights and measures.

## MINNESOTA HOUSE BILL NO. 1157.

By Mr. Carley.

Referred to Committee on Dairy Products.

This bill relates to the sale of milk and cream.

## HOUSE BILL NO. 1161.

By Mr. Carley.

Referred to Committee on Dairy Products.

This bill is for an act to prohibit the manufacture of oleomargarine.

## HOUSE BILL NO. 1164.

By Mr. Rodenberg.

This bill is for an act creating a State Bureau of Weights and Measures.

**Missouri.**

## SENATE BILL NO. 146.

By Mr. Krone, Feb. 15, 1909.

Referred to Committee on Public Health, Scientific Institutions, etc.

Is an act to amend the Food Law of Missouri, approved March 15, 1907, by striking out certain words relating to the standards established by the U. S. Department of Agriculture.

The Amendment consists in striking out of Sec. 4 of said Act the 10th clause, which reads as follows:

"Tenth: If it does not conform to the standards of strength, purity and quantity now or hereafter to be established by the U. S. Department of Agriculture."

The object of this amendment is to take the standards out of the present law in order that they may be made the law of Missouri in a separate law by themselves. An effort has been made to make these standards the law of Missouri in a separate bill by means of Senate Bill No. 147.

## SENATE BILL NO. 147.

By Mr. Krone, February 15, 1909.

Referred to Committee on Public Health, Scientific Institutions, etc.

Established standards of purity and strength for food products of the United States Department of Agriculture, as set forth in Circular No. 19 of that department, dated Washington, D. C., June 26, 1906, and makes it an offense to sell any food which does not conform to those standards.

## HOUSE BILL NO. 330.

This bill prohibits the sale of flour unless the net number of pounds is plainly stamped on the container, and has passed the House.

## HOUSE BILL NO. 335.

By Mr. Kimbey, February 5th.

Referred to Committee on Public Health.

Creates the office of State Food and Drug Commissioner and to define his powers and duties.

(1) Section 7 gives the Commissioner or his deputies power to seize any articles which they may find to be adulterated or misbranded. This gives them power to interpret the law, and assumes that they are competent to pass on the law as well as the facts.

It provides that a justice of the peace may then pass upon the legality of the goods and if he finds them illegal order them destroyed, or sold by the commissioner for any purpose other than for food purposes.

(2) Sec. (10) Ten. Compels all food and drug products to be labeled with the exact ingredients contained therein and the percentage of each ingredient, and reads as follows:

"Sec. 10. All manufacturers of food products and drugs in this state must label the same with the exact ingredients contained therein and the proportioned part of each ingredient

and no retailer or jobber shall keep, sell or expose for sale any food product or drug unless it is so labeled according to the provisions of this section. And any one violating the provisions of this act shall be subject to arrest by the commissioner or any of his assistants or any one so directed by him and upon conviction shall be fined not less than \$50.00 nor more than \$1,000.00."

## HOUSE BILL NO. 367.

By Mr. Droste.

By Mr. Droste, February 8th.

Amends the act creating the office of dairy commissioner, approved April 8, 1905, by striking out of Section 5 certain words relating to standards of purity of dairy products, and has been reported unfavorably.

## HOUSE BILL NO. 368.

By Mr. Droste.

Amends the Food and Drug Act of March 15, 1907, by striking out of Section 4 the whole of Clause 10.

## HOUSE BILL NO. 369.

By Mr. Droste.

Establishes standards of strength and purity for food products of the U. S. Department of Agriculture.

## HOUSE BILL NO. 672.

By Mr. Calkins.

The above bill relates to the Dairy and Food Commissioner's Law.

## HOUSE BILL NO. 735.

By Mr. Calkins.

Relates to imitation butter.

## HOUSE BILL NO. 898.

By Mr. Hull, March 12, 1909.

This bill amends the present food law of Missouri.

## MISSOURI HOUSE BILL NO. 1118.

By Mr. Calkins.

The above bill is a general food and drink law.

The fourth definition of adulteration provides that an article shall be deemed to be adulterated if it be colored, etc., so that it "may" deceive the purchaser.

The fourth definition of adulteration provides that an article shall be deemed to be adulterated "if it is colored or flavored in imitation of the genuine color or flavor of another substance."

The fifth definition of adulteration prohibits the use of all chemical preservatives including benzoate of soda.

The first definition of misbranding in Section 4 prohibits the sale of an "imitation."

Section 5 provides that an article shall be deemed to be insufficiently labeled if it does not contain the name of the real manufacturer or jobber and the true grade or class of the product and the true net weight or volume of the contents, or the capacity or trade size of the container.

## HOUSE BILL NO. 1126.

By Mr. Calkins.

The above bill, relates to the sanitation of bakeries.

**Montana.**

The Legislature has adjourned without passing any new food laws.

**Nebraska.**

The Legislature has adjourned.

## SENATE BILL NO. 140.

By Mr. Randall.

Is a Sanitation Bill, and has passed and signed by the Governor.

## HOUSE BILL NO. 90.

By J. F. Carr.

Relates to duties of Commission Merchants. Passed both houses and signed by the Governor.

## HOUSE BILL NO. 188.

By Mr. Leigh, Jan. 26, 1909.

Referred to Committee on Miscellaneous Subjects.

Is a bill to regulate the sale of vinegar and makes standards for same.

This bill has passed the House and the Senate.

## HOUSE BILL NO. 486.

By Mr. Smith.

Committee on Miscellaneous Subjects.

"This bill, as finally amended and passed, is as follows: Amendment to section 9825 of Cobbey's annotated statutes



for 1907 relating to branding the net weight on certain kinds of packages of foods and drugs and providing that bleached flour may be sold without being deemed adulterated within the meaning of the act. The provision compels the branding of both net weight and contents on packages of dairy products, lard, cottolene, or any other substance used in the place of lard, wheat products, oats products, corn products, prepared and unprepared, sugar, syrup, molasses, tea, coffee and dried fruit, and exempting meats, preserved fruits and a few other things from the provisions. Then the provision is added regarding the legality of the sale of bleached flour within the state."

#### Nevada.

SENATE SUBSTITUTE FOR ASSEMBLY BILL NO. 48.  
The Legislature of Nevada has adjourned and has passed the above bill, and will be printed in full in a subsequent issue of THE AMERICAN FOOD JOURNAL.

#### New Hampshire.

HOUSE BILL NO. 107.

By Mr. Osgood.

Referred to Committee on Public Health.

Relates to dairy products.

The Committee has reported that it is inexpedient to legislate on above bill.

HOUSE BILL NO. 109.

By Mr. H. E. Dunnington.

Referred to Committee on Public Health.

Relates to dairy products.

HOUSE BILL NO. 110.

By Mr. Dunnington.

Referred to Committee on Public Health.

Is a bill to amend Section 1 of the present Ice Cream Law of New Hampshire, so as to read as follows:

"No person shall manufacture for sale, keep for sale, sell, exchange, barter or deal in Ice Cream which shall contain any substance other than milk, cream, eggs, sugar, some natural flavoring and not more than one-tenth of one per cent of filler, or which shall contain less than 14 per cent butter fat."

This excludes gelatine.

This bill has passed the House and the Senate with an amendment allowing 1/5 of 1% of filler instead of 1/10 of 1% as originally provided by this bill.

HOUSE BILL NO. 236.

By Mr. Cross.

Referred to Committee on Public Health.

Is a bill to establish standards for foods for the state of New Hampshire.

It fixes a standard for the following items:

Lard, Milk, Milk Fat, Butter, Cream, Cheese, Flour, Gluten Flour, Corn Meal, Oatmeal, Rye Flour, Buckwheat Flour, Preserves and Jam, Jelly.

Prohibits Coal Tar Color and Saccharin in Jellies, Jams and Pickles.

Prohibits coal tar color and saccharin in Pickles, Sweet Pickles and Catsup.

Establishes standards for:

Sugar Syrup, Maple Syrup, Honey, Allspice, Pimento, Cayenne Pepper, Paprika, Ground Cinnamon, Cloves, Ginger, Lined Ginger, Mace, Ground Mustard, Prepared Mustard, French Mustard, Nutmeg, Pepper, Black Pepper, Flavoring Extracts, White Pepper, Almond Extract, Anise Extract, Celery Seed Extract, Cassia Extract, Cinnamon Extract, Clove Extract, Ginger Extract, Lemon Extract, Oil of Lemon, Nutmeg Extract, Peppermint Extract, Rose Extract, Savory Extract, Spearmint Extract, Sweet Basil Extract, Sweet Marjoram Extract, Thyme Extract, Tonka Extract, Vanilla Extract, Wintergreen Extract, Olive Oil, Cottonseed Oil, Tea, Chocolate, Coffee, Sweet Chocolate, Cocoa, Sweet Cocoa, Apple Juice, Sweet Cider, Wine, Dry Wine, Fortified Wine, Sweet Wine, Sparkling Wine, Modified Wine, Malt Liquor, Beer, Lager Beer, Malt Beer, Ale, Porter, Distilled Spirit, Alcohol, New Whisky, Whisky, Rye Whisky, Bourbon Whisky, Corn Whisky, Blended Whisky, Scotch Whisky, Irish Whisky, New Rum, Rum, New Brandy, Brandy, Cognac, Vinegar, Cider Vinegar, Wine Vinegar, Malt Vinegar, Sugar Vinegar, Glucose Vinegar, Spirit Vinegar, Table Salt, Celery Salt, Baking Powder, Sausage, Mince meat.

This bill has been indefinitely postponed by the Committee.

HOUSE BILL NO. 237.

By Mr. Cross.

Referred to Committee on Public Health.

Relates to the proper sanitation of places where food or food products are manufactured. It affects only places in New Hampshire. This bill has been killed in the Senate.

HOUSE BILL NO. 392.

By Mr. Keenan.

Referred to Committee on Judiciary.

Is a bill to prevent the refilling of bottles without the consent of the owner of such bottles. This bill has been killed.

HOUSE BILL NO. 520.

By Committee on Public Health.

Amends Food and Drug Law of 1907 relating to penalty for violation of said law, and has become a law.

HOUSE BILL NO. 521.

Gives an inspector power to examine food products for the purpose of detecting adulteration, and has passed the House.

#### New Jersey

SENATE BILL NO. 39.

By Mr. Freylinghuysen, Jan. 25, 1909.

Referred to Committee on Public Health.

Relates to dairy products. This bill has passed both Houses.

SENATE BILL NO. 47.

By Mr. Brown, Jan. 25, 1909.

Referred to Committee on Public Health.

Relates to dairy products.

SENATE BILL NO. 142.

By Mr. Brown.

Referred to Committee on Public Health.

It is a sanitary regulation affecting those maintaining establishments in New Jersey.

SENATE BILL NO. 251.

By Mr. Freylinghuysen.

Referred to Committee on Public Health.

Relates to milk.

HOUSE BILL NO. 231.

By Mr. Ginnelley, Feb. 23.

Referred to Committee on Public Health.

Requires any article of food packed in an air-tight container to be labeled with the year during which such product was prepared. If the container is made of metal the date shall be stamped or indented in the metal of the container.

HOUSE BILL NO. 274.

By Mr. Matthews, March 5th.

Referred to Committee on Miscellaneous Subjects.

This bill repeals Sections 21 and 22 of an act entitled:

"An Act to establish a uniform standard of weights and measures and balances in this State and to punish the fraudulent use thereof (Legislation of 1908)."

HOUSE BILL NO. 370.

The above bill relates to the regulation, possession and sale of process, boiled or renovated butter, and has been recommended for passage.

#### New Mexico.

The Territorial Legislature has adjourned and passed no new pure food laws.

#### New York.

SENATE BILL NO. 1.

By Mr. Davis, Jan. 13, 1909.

Referred to Committee on Judiciary.

Is an act to consolidate the Agricultural Laws of New York.

SENATE BILL NO. 81.

By Mr. Cobb, Jan. 8, 1909.

Referred to Committee on Codes.

Is a bill to amend sections 580 and 581 of the penal code of New York as follows:

"580. Using false weights, measures, etc.—A person who, by himself or by his servant or agent, or as the servant or agent of another, uses a weight, measure, or other apparatus that is false or that has not been sealed by a sealer of weights and measures within one year, for determining the quantity of any commodity, or articles of merchandise, or sells or exposes for sale less than the quantity he represents, or sells or offers for sale any commodity or article of merchandise in a manner contrary to law, is guilty of a misdemeanor.

"581. Keeping false weights—A person retains in his possession any weight, measure, or other apparatus that is false,



or unsealed, unless it appears beyond a reasonable doubt that it was so retained without intent to use it, or permit it to be used in violation of the last section, is guilty of a misdemeanor."

SENATE BILL NO. 82.

By Mr. Cobb, Jan. 6, 1909.

Referred to the Committee on Judiciary.

Is an act to amend the domestic commerce law of New York (Chap. 376, Laws of 1896) so as to read as follows:

"15-b. Any commodity of consumption for man or beast put up or sold or intended to be sold with a container shall have the net contents in terms of weight, numerical count, or measure plainly marked, branded or otherwise affixed on the outside of the container, in characters at least one-eighth of an inch in height.

"This act shall take effect on October one, nineteen hundred and nine."

This measure would require every manufacturer doing business in New York State to weigh, measure or count all his products.

All liquids would have to be measured and the measure stated on the container; all articles sold by weight would have to be weighed into the containers and the net weight stated on the container; all articles sold by count would have to be counted and the exact count put on each package.

No allowance is made for shrinkage.

The variation in bottles is not considered.

The fact that packages may average correctly is not considered.

SENATE BILL NO. 83.

By Mr. Cobb, Jan. 6, 1909.

Referred to Committee on Judiciary.

Is a bill to require all ice, coal, coke, butter, lard, meats and meat products (except offal, head and plucks) poultry, or wild game to be sold by standard weight.

And all fruit and farm produce to be sold by standard weight or numerical count.

And all milk or cream that shall be sold in bottles to be sold only in bottles of legalized standard liquid measure.

And all other dry commodities for consumption to be sold by standard weight, standard dry measure, or numerical count.

And all other liquid commodities for consumption to be sold only by standard weight or standard liquid measure.

SENATE BILL NO. 379.

By Mr. Platt, Feb. 15.

Referred to Committee on Judiciary.

Amends the general law of New York in relation to standard measures and regulating the manufacture of containers.

It requires that fruit shall be sold by weight or dry measure and is companion bill of House Bill No. 596.

SENATE INT. 511.

Referred to Committee on Public Health.

Repeals Sections 40 and 44 and Section 50 of the Public Health Laws which relate to adulteration. It is the same as House Int. 823.

SENATE BILL NO. 691.

By Mr. Platt.

Committee on Agriculture.

This bill relates to dairy products.

SENATE BILL NO. 693.

By Mr. Platt.

Referred to Committee on Agriculture.

This bill relates to vinegar.

HOUSE BILL NO. 31.

By Mr. Phillips, Jan. 13, 1909.

Referred to Committee on Judiciary.

Is a bill to consolidate the liquor traffic laws of New York.

HOUSE BILL NO. 42.

By Mr. Phillips, Jan. 13, 1909.

Referred to Committee on Judiciary.

Is a bill to consolidate the laws relating to the public health.

Does not attempt to create any new law, but simply consolidates laws already existing.

HOUSE BILL NO. 96.

By Mr. Filley.

Referred to Committee on Codes.

Bill relates to weights and measures and is same as Senate Bill No. 81.

HOUSE BILL NO. 138.

By Mr. Filley, Jan. 14, 1909.

Referred to Committee on General Laws.

This bill is a copy of Senate Bill No. 83.

Requires net weight, measure or count to be stated.

HOUSE BILL NO. 139.

By Mr. Filley, Jan. 14, 1909.

Referred to Committee on General Laws.

Requires all commodities to be sold by weight, measure or count, and is same as Senate Bill No. 82.

HOUSE BILL NO. 457.

By Mr. Cuvillier.

Referred to Committee on Public Health.

Is a general food, drink and drug law.

It follows the National Food Law closely.

Section 10 of this bill, which is the same as Section 10 of the National Food Law, provides for the seizure of goods.

HOUSE INT. 823.

By Mr. Wood, March 2.

Referred to Committee on Public Health.

A bill to repeal Sections 40 to 44 and Section 50 of Chapter 49 of the laws of 1909 entitled "An Act in Relation to the Public Health Constituting Chapter 45 of the Consolidated Laws.

NEW YORK HOUSE BILL INT. 990.

By Mr. Young.

This bill declares the units or standards of measures of capacity for liquids and the unit or standard of capacity for substances not liquids.

It also provides that all manufacturers of small fruit packages, such as quarts, pints and half-pints, shall mark the word "short" on any package that is a short size.

HOUSE BILL NO. 1175.

By Mr. Boshart.

Referred to Committee on Agriculture.

This bill relates to vinegar.

HOUSE BILL NO. 1176.

By Mr. Boshart.

Referred to Committee on Agriculture.

This bill relates to dairy products.

HOUSE INT. 1283.

By Mr. McCue.

Referred to Committee on Labor and Industries.

This bill amends the laws of 1909 by adding a new section providing for the medical examinations of employees of bakeries.

North Carolina.

The North Carolina Legislature adjourned and passed the following amendment to the food law:

SENATE BILL NO. 1859.

This bill reads as follows:

"The General Assembly of North Carolina do enact:

"Sec. 1. That Chapter 368 of the Public Laws of 1907 be and the same is hereby amended as follows: After the word 'colored' and before the word 'powdered' in line one, subsection four, section six, the word 'bleached.'

"Sec. 2. At the end of section 6 insert the following: 'Eighth. By consent of the Board the Commissioner of Agriculture may when he deems it advisable and to the best interest of the public suspend the action of any provision of subsection 5, section 6 of said act, relating to the use of chemical preservatives and coal tar dyes in food when the provision of said section is not in harmony with the provisions of the National Food Law or rulings thereunder.'

"Sec. 3. This act shall be in force from and after its ratification."

The above bill passed both Houses and is now a law.

It is the same as H. B. 1755.

North Dakota.

The Legislature adjourned March 10th, and passed the three (3) following Food, Dairy, Drug, Liquor and Sanitary Bills:

SENATE BILL NO. 67.

By Mr. Kennedy.

SENATE BILL NO. 107.

By Mr. Kennedy.

HOUSE BILL NO. 307.

By Mr. Duncan.

Ohio.

The Legislature of Ohio adjourned March 12 and passed the two following Food Laws:

SENATE BILL NO. 112.

HOUSE BILL NO. 15.

Both of these laws were printed in the March issue of THE AMERICAN FOOD JOURNAL.



**Oklahoma.**

The Oklahoma Legislature adjourned March 13, and passed the following Bill:

**HOUSE BILL NO. 404.**

By Mr. Stafford.

It is a general food, drink and drug bill and has become a law, and will be published in full in a subsequent issue of this Journal.

**Oregon.**

The Oregon Legislature adjourned sine die March 1st.

**SENATE BILL NO. 112.**

Relates to Concentrated Stock Food.

This bill has passed the House and is a law.

**SENATE BILL NO. 126.**

Is intended to prevent the sale and manufacture of bleached and misbranded cereals.

**HOUSE BILL NO. 195.**

By Mr. Hughes, Jan. 27, 1909.

Relates to baking powder and provides that all baking powder shall have printed on the label, in plain English, the name of all of the ingredients composing said baking powder.

**HOUSE BILL NO. 285.**

By Mr. McDonald, Feb. 4, 1909.

Is a general food law.

**Pennsylvania.**

The Legislature adjourns today, April 15.

**SENATE BILL NO. 3.**

By Mr. Gerberich, Jan. 25, 1909.

Referred to Committee on Public Health and Sanitation.

Is a bill relating to "food" only, and intended to prevent the adulteration or misbranding of same.

It was drawn up by the Food Commissioner.

Section 1. Makes it an offense to sell food adulterated or misbranded within the meaning of the Act.

Section 2. Defines "food" and Person.

Section 3. This section defines "adulteration" by four paragraphs.

The fourth paragraph reads as follows:

"If it be mixed, colored or changed in color, coated, polished, powdered, stained or bleached whereby damage or inferiority is concealed, or so that it may deceive or mislead the purchaser, or if by any means it is made to appear better or of greater value than it is, or if it is colored or flavored in imitation of the genuine color or flavor of another substance."

Fifth. This paragraph prohibits the use of added boric acid or borates, salicylic acid or salicylates, formaldehyde, hydrofluoric acid, or fluorides, fluoborates, fluosilicates, or other fluorine compounds, dulcin, glucin, saccharin, caffeine, betanaphthol, abrostol, asaprol, oxides of nitrogen, nitrous acid, or nitrites, pyroligneous acid, or other added ingredients deleterious to health.

Sixth. This paragraph contains a proviso that articles not adulterated under paragraphs 4, 5 and 6, and not misbranded under the Act, and containing no filler or ingredients which debases without adding food value, may be sold if branded or tagged so as to show the character and composition thereof.

Section 4 defines misbranding in paragraphs.

First. This paragraph absolutely prohibits the sale of an imitation article, and nowhere else in the Act is this modified in any way.

Second. This paragraph says that an article is misbranded "if it be labeled or branded so that it may deceive or mislead, etc."

Section 5. This provides that when a sample is taken and found to be misbranded or adulterated the dealer shall be notified before prosecution, but not the manufacturer.

Section 6. This section defines what shall be deemed to be the "same article."

**SENATE BILL NO. 4.**

By Mr. Gerberich.

Relates to dairy products. This bill has passed the Senate.

**SENATE BILL NO. 5.**

By Mr. Gerberich.

Prohibits the sale, or use in food or as food of eggs that are unfit for food, and provides that they shall be deemed unfit for food when they are partly or wholly decayed or decomposed. This bill has passed the Senate and the House, and has been signed by the Governor.

**SENATE BILL NO. 6.**

By Mr. Gerberich, Jan. 25, 1909.

Relates to the sale of non-alcoholic drinks. It has been agreed to by the Bottlers of Pennsylvania. This bill has passed the Senate and House and signed by the Governor.

**SENATE BILL NO. 7.**

By Mr. Gerberich.

Relates to cold storage poultry, game and eggs.

**SENATE BILL NO. 8.**

Relates to the sale of ice cream.

It fixes the standard for ice cream at 8 per cent of butter fat and 6 per cent in case nuts or fruit are used.

It permits of the use of eggs, gelatine, or gum tragacanth or other vegetable gums.

This bill has become a law.

**SENATE BILL NO. 10.**

Relates to sale of lard. This bill has passed the Senate and the House, and has been signed by the Governor.

**SENATE BILL NO. 18.**

Relates to weights and measures.

**SENATE BILL NO. 37.**

By Mr. Murphy.

As amended.

This bill is a general food law.

The fifth definition of adulteration in Section 2 prohibits the use of alum in food.

The same definition of adulteration also bars the use of saccharin and other substances.

It also limits the use of benzoate of soda to 1-10 of 1%.

In the fourth definition of misbranding it requires a mixture or compound to be labeled with a statement that it is a mixture or compound and also with a statement of the substances entering into it.

The fourth definition of misbranding also prescribes certain sizes of type that must be used. This bill passed the Senate March 29.

**SENATE BILL NO. 116.**

By Mr. Wiebert.

Amended on third reading.

Prohibits the adulteration of liquor and requiring correct labeling.

**SENATE BILL NO. 118.**

By Mr. Gerberich, Feb. 24.

Relates to alcoholic liquors. It does not establish any standards.

**HOUSE BILL NO. 8.**

Relates to the sale of Ice Cream.

**HOUSE BILL NO. 452.**

By Mr. Malone.

Feb. 3, 1909.

Referred to Committee on Labor and Industry.

Requires that the year of canning be stamped or blown on the bottom of every can containing goods for human consumption.

**HOUSE BILL NO. 438.**

By Mr. W. J. Barton, of Philadelphia, Feb. 3, 1909.

Referred to Committee on Judiciary Special.

Is a bill to prevent the giving of short weight or measure in selling any articles of commerce.

It does not require that the net weight or measure be stated, but simply requires that the consumer get the weight or measure to which he is entitled or which is represented to him as the weight or measure he is getting.

One feature of the bill is that the weight or measure is deemed to be the net weight or measure and shall not include the weight of the container. That is when a box is marked one pound, under the law, it must contain one pound of food, not including the weight of the box.

**HOUSE BILL.**

By Mr. Thompson, Feb. 25.

Is a general food law. It applies to food only and prohibits the adulteration or misbranding of food.

H. R. P. 701.

By Mr. Thompson, Feb. 22.

Referred to Committee on Public Health, etc.

Prevents the adulteration or misbranding of alcoholic liquors.

H. R. P. 856.

By Mr. Thompson.

Referred to Committee on Public Health and Sanitation. This is a general food law.



H. R. P. NO. 858.

By Smith, Feb. 25.

Referred to Committee on Ways and Means.  
Relates to the sale of Oleomargarine.

**Rhode Island.**

SENATE BILL NO. 75.

By Mr. Bowen.

This bill relates to bakeries, confectioneries, ice cream manufactories, and persons employed therein and the appointment of an inspector therefor.  
It is a sanitary measure.

SENATE BILL NO. 109.

By Mr. Martin.

Referred to Committee on Judiciary.  
This bill amends the present food law.

**South Carolina.**

The Legislature of South Carolina adjourned, March 5, and passed an act to further protect the public health and the health of domestic animals by providing for the inspection of live stock imported into the State.

**South Dakota.**

The South Dakota Legislature adjourned March 6th, and passed the following four (4) Pure Food, Drug and Dairy Bills, and are now the Laws of the State and will be published in full in a subsequent issue of this journal.

CHAPTER 163.

SENATE BILL NO. 314.

An act entitled, an act to prevent the manufacture, sale, keeping for sale or transportation of adulterated or misbranded, poisonous or deleterious foods, dairy products or liquors; for regulating traffic therein; providing for its enforcement and prescribing penalties for the violation thereof.

CHAPTER 206.

SENATE BILL NO. 323.

An act to authorize the consolidation of funds and items heretofore appropriated for the Food and Dairy Commissioner's Office for a term ending July first, 1909, and to authorize the payment of salaries, expenses and maintenance of said office out of any of the money heretofore appropriated for that purpose.

CHAPTER 180.

HOUSE BILL NO. 2.

An act to prevent the manufacture or sale of adulterated or misbranded drugs, providing for penalties for its violation and providing for its enforcement.

CHAPTER 296.

HOUSE BILL NO. 388.

An act to provide for a State Dairy Expert; to prevent the adulteration of milk, cream and dairy products, to regulate the manufacture and sale of dairy products, and for other purposes.

**Tennessee.**

SENATE BILL NO. 211.

By Mr. Mansfield.

Is a general revenue bill. It declares the selling of soft drinks to be a privilege and fixes the taxation for conducting the same as follows: In towns of twenty-five thousand population or over—\$75; in towns over five thousand and under twenty-five thousand—\$40; in towns of over two thousand and under five thousand—\$15; in all other places outside of cities as above—\$5. This tax is in lieu of all other taxes except ad valorem. The bill has been referred to the Finance Committee.

SENATE BILL NO. 294.

By Mr. Howse.

Referred to Committee on Judiciary.

Is an act to amend Chapter 297 of the Acts of 1907, as follows:

To Section 1 the following words are added:

"That before the grand juries of the several counties of the state shall take cognizance of or investigate any violations of this act, the person, firm or corporation charged with the violation of this act shall be cited before the chief pure food and drug inspector to show cause why he or they should not be held liable or prosecuted for the violation of said act."

To Section 2 is added, after the words, "United States Pharmacopoeia," the words "and National Formulary."

Section 7 is amended so as to provide for the appointment of two assistant pure food and drug inspectors.

Section 9 is amended so as to create a commission composed of the food chief inspector, president of State Board of Health and president of State Board of Pharmacy. Which commission shall create rules and regulations for the enforcement of the act. This bill has been rejected by the Senate, but House Bill No. 377, which is identical, is still pending in the House.

SENATE BILL NO. 398.

By Mr. Neal.

This bill is identical with House Bill No. 536, printed below.

HOUSE BILL NO. 377.

By Mr. Wilkerson.

Referred to Committee on Sanitation.

Is a duplicate of S. B. 294.

HOUSE BILL NO. 536.

By Mr. Chester and Mr. Puryear.

This bill is identical with Senate Bill No. 398, and was suggested by Mr. Cucius Brown, a state food and drug inspector, and is a bill to amend the present food law of the state so as to give him the right to establish and maintain an office and laboratory in Nashville and relates also to his expenses.

**Texas.**

SENATE BILL NO. 44.

By Mr. Hayter.

This bill amends the present food law of Texas.

Relates to food, drink, flavoring extracts, confectionery and condiments used by man. And to all drugs used by men or for animals.

Section 1 and 2 follows National Food Law.

Section 3 and 4 follows National Food Law.

Section 5 makes it unlawful to sell any cider not produced wholly from the juice of the fruit.

Section 6 reads as follows:

"It shall be unlawful for any person to manufacture, sell, offer or expose for sale, or exchange any article of food to which has been added formaldehyde, boric acid, or borates, benzoic acid or benzoates, sulphurous acid or sulphites, salicylic acid or salicylates, abrostol, beta-nepthol, fluorine compounds, saccharine, alcohol, dulcin, glucin, cocaine, caffeine, theine or any preparation of lead, copper, sulphuric acid or other mineral acid or other ingredient injurious to health; provided that nothing in this act shall be construed as prohibiting the sale of catsups, sauces, concentrated fruits, fruit juices, and like substances, preserved with 1-10 of one per cent of benzoate of soda or the equivalent benzoic acid, when a statement of such fact is plainly indicated upon the label; provided, further that the oxides of sulphur may be used for bleaching and refining food products."

Section 7 requires a formula on all baking powder, and it must contain not less than 10 per cent available carbon dioxide.

Section 8 relates to milk.

Section 9 provides for milk inspection.

Section 10 provides that a guaranty may be given by any resident of the state or United States.

Section 11 provides a fine for violation of the act.

Section 12 provides for appointment of dairy and food commissioner, but provides that he must be a practical analytical chemist and bacteriologist.

This would preclude a practical person from being commissioner unless he was a chemist and bacteriologist.

Section 13 gives the governor power to remove the commissioner for cause.

Section 14 provides for the appointment of an assistant commissioner.

Section 16 provides for a stenographer.

Section 17 provides for inspectors.

Section 18 provides for payment of salaries.

Section 19 provides for offices, etc.

Section 20 provides for the taking of samples and contains the following provision:

"It shall also be the duty of the Dairy and Food Commissioner to formulate, publish and enforce such rules and regulations as may be necessary to enforce this act, and he shall adopt the standards for foods, food products, beverages, drugs, etc., and the method of analysis authorized as official by the United States Department of Agriculture of the National Food Commission in so far as they are applicable in the light of modern discovery and research."

Section 24 follows the National Food Law.



Section 25 gives the commissioner and his inspectors power to seize any goods they consider illegal.

Section 26 provides that the law shall take effect as soon as enacted.

The above bill has been amended as follows:

"In the first and second lines of the title strike out the words 'amend chapter 39, acts of the general laws of the thirtieth legislature entitled an act.' After the word 'duties' in the sixth line of the title of the typewritten bill in your possession insert 'and repealing chapter 39 of the laws of the thirtieth legislature.' Strike out all of section 1a. On page 5, in the sixth line of section 3, strike out the words 'caffeine, theine.' Insert a new section 26 as follows: 'Section 26. The act passed by the thirtieth legislature and designated in the general laws of the regular session of the thirtieth legislature as chapter 39 be and the same is hereby repealed.' Change the number of section 26 to 27."

#### HOUSE BILL NO. 28.

Passed both houses with amendment striking out words "or any substance physiologically potent" and eliminating prohibition against saccharin, caffeine and theine, also cutting out prohibition against lime and sulphur in syrup bleaching, and has been sent to the Governor.

#### Utah.

The Legislature has adjourned and passed the following bills:

#### SENATE BILL NO. 80.

By Mr. Williams.

Referred to Committee on Public Health.

Is an act creating a Dairy and Food Bureau, defining its duties, powers, etc.

Section 1 creates a State Dairy and Food Bureau to consist of 9 residents of the state. The Governor, State Chemist, Secretary of the State Board of Health, and State Dairy and Food Commissioner shall be members of the board. Five other members shall be appointed by the Governor, as follows:

One practical manufacturer or packer of food or food products; one practical farmer; one representative of the live stock and slaughter interests; one merchant engaged in the sale of food products, and one member shall be a non-producer of food products.

Section 2 gives the said bureau power to establish rules and regulations for the operation of creameries, butter and cheese factories, dairies, slaughter houses, confectioneries, bakeries, and all places where food is bought, sold, manufactured, prepared or stored. The rules and regulations thus established to conform as nearly as possible with the regulations promulgated by the Agricultural Department of the United States under the Food and Drugs Act, and also under the Meat Inspection Act.

Section 3 makes it an offense to violate any rules or regulations established by the said bureau.

Section 4 appropriates money for carrying out the law.

This bill is now the law of the State and is the same as originally presented except that the members of the Commission were reduced to five.

#### SENATE BILL NO. 136.

By Mr. Hyde.

Relates to Dairies, provides that they must exist under licences and be kept in Sanitary Condition.

#### Washington.

#### SENATE BILL NO. 157.

By Mr. Williams, Jan. 29, 1909.

Referred to Committee on Educational Institutions.

Amends Section 9 of an existing food law of the state of Washington, so as to make it the duty of the Dean of the School of Pharmacy of the University of Washington, as well as the duty of the Chemist of the State Agricultural Experiment Station, to analyze food products, also providing compensation for both chemists. This bill has passed the Senate.

This bill has passed the House.

#### SENATE BILL NO. 213.

By Mr. Metcalf.

Amends Chapter 211 of the Session Laws of 1907, by adding the following to the definitions of adulteration:

"Seventh, if a wheat or cereal product that has been bleached or colored or made whiter by any electrical, chemical or acid device, or treatment whatsoever."

This bill passed the Senate amended so that the law should go into effect Oct. 1st, 1909.

#### West Virginia.

The West Virginia Legislature adjourned March 1. No new pure food or drug laws were passed.

#### Wisconsin.

#### SENATE BILL NO. 213, S.

By Mr. Barker, Feb. 10.

Referred to Committee on Public Health.

Relates to the sanitation of bakeries and confectioneries.

This bill has passed the Senate and has been favorably reported by the House Committee on Public Health.

#### SENATE BILL NO. 384, S.

By Mr. Donald, Feb. 23.

Referred to Committee on Agriculture.

Relates to the sale of unsanitary milk.

#### HOUSE BILL NO. 137, A.

By Mr. Towne, Feb. 3.

Referred to Committee on Agriculture.

Relates to dairy products.

#### HOUSE BILL NO. 286-A.

By Mr. Mortensen.

Feb. 5, 1909.

Referred to Committee on Public Health.

Relates to the sale of dairy products.

This bill has passed the House.

#### HOUSE BILL NO. 372, A.

By Mr. Georgi, Feb. 11.

Referred to Committee on Public Health.

Defines the terms "bakery," or "bakeries" or "baking establishment."

#### HOUSE BILL NO. 428, A.

By Mr. Ingram, Feb. 11, 1909.

Relates to intoxicating liquors, as follows:

"Section 1. There is added to the statutes a new section to read: Section 1557t. 1. No person shall expose or offer for sale or sell any malt, ardent or intoxicating liquors or drinks unless each package, barrel, keg or bottle containing the same shall have plainly marked thereon in English the names of and quantity of each ingredient used in the manufacture of such liquors or drinks. This section shall not apply to liquors or drinks shipped out of the state."

#### HOUSE BILL NO. 526a.

By Mr. Wells.

Referred to Committee on public health Feb. 16th.

Is a bill for the sanitation of food producing establishments.

#### HOUSE BILL NO. 529, A.

Mr. Kull, Feb. 16.

Referred to Committee on Public Health.

Transferred to Committee on Dairy and Food Matters.

It is a bill to adopt food standards for the state of Wisconsin.

These standards include standards prepared by a committee at the Food Commissioners' convention at Mackinac Island last year.

#### HOUSE BILL NO. 546, A.

By Mr. Reynolds, Feb. 16, 1909.

Referred to Committee on Public Health.

Prohibits the use of benzoic acid or benzoates in any article of food and to prohibit the sale of any article of food that has been bleached with oxides of nitrogen.

#### HOUSE BILL NO. 610.

By Mr. Towne, Feb. 18.

Referred to Committee on Dairy and Food.

Increases the number of food inspectors from 8 to 11.

#### HOUSE BILL NO. 747, A.

By Mr. Reynolds, Feb. 23.

Referred to Committee on Public Health.

Amends Sections 40600 and 40601 of the Statutes relating to foods and drugs.

The sixth definition of adulteration is to the effect that an article shall be deemed to be adulterated or flavored in imitation of the genuine color or flavor of another substance.

The bill also provides that all labeling of packages required shall be on the main label of each package and in such characters and such size of type as shall be uniform with the name of the brand or the name of the manufacturer or jobber and in terms so placed in consecutive order and grouped that the label may be plainly seen and read in its entirety by the purchaser using ordinary care.



# New Amendments Adopted to Kansas Food and Drug Law.

An act to amend Sections 3, 7, 8, 11 and 14 of Chapter 266 of the Session Laws of 1907, entitled "An act to prevent the manufacture, sale or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines and liquors, and to regulate traffic therein, and providing for the appointment of inspectors for carrying out its provisions, and to provide penalties for violation thereof, and to repeal all acts or parts of acts in conflict herewith," and repealing original Sections 3, 7, 8, 11 and 14 of Chapter 266 of the Session Laws of 1907.

Be it enacted by the Legislature of the State of Kansas:

Section 1. That Section 3 of Chapter 266 of the Session Laws of 1907, entitled "An Act to prevent the manufacture, sale or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines and liquors, and to regulate traffic therein, and providing for the appointment of inspectors for carrying out its provisions, and to provide penalties for violation thereof, and to repeal all acts or parts of acts in conflict herewith," be amended so as to read as follows: Section 3. That the State Board of Health is authorized and directed to make and publish uniform rules and regulations *for carrying out the provisions of this act, which rules and regulations among others, shall provide for the collection and examination of specimens of foods and drugs manufactured, kept for sale, offered for sale, or sold in the state of Kansas, and said Board of Health is further authorized and empowered to make, define, adopt and publish standards of quality, purity and strength for foods and drugs.* Any person who shall violate any of the rules and regulations so made and published in the official state paper shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine not exceeding \$50.00, or imprisonment in the county jail not more than six months, or both, in the discretion of the court.

Sec. 2. That Section 7 of Chapter 266 of the Session Laws of 1907 be amended so as to read as follows: Section 7. That for the purpose of this act an article shall be deemed to be adulterated—

In case of drugs: First, if, when a drug is sold or dispensed under or by a name recognized in the United States Pharmacopoeia or National Formulary, it differs in composition, or standard of strength, quality or purity, from that recognized by the United States Pharmacopoeia official at the time of sale or when dispensed, or if it differs in composition or standard from time recognized by the National Formulary official at the time of sale. Second, if its strength or purity fall below the professed standard or quality under which it is sold.

In case of confectionery: If it contain terra alba, barytes, talc, chrome yellow, or other mineral substance or poisonous color or flavor, or other ingredients deleterious or detrimental to health, or any vinous malt, or spiritous liquor or compound, or any narcotic drug.

In the case of food: First, if any substance has been mixed or packed with it so as to reduce or lower or injuriously affect its quality or strength. Second, if any substance has been substituted wholly or in part for the article. Third, if any valuable constituent of the article has been wholly or in part abstracted. Fourth, if it be mixed, colored, powdered, coated, stained, or otherwise treated in a manner whereby damage or inferiority is concealed, or whereby it is made to appear better than it really is. Fifth, if it contain any added poisonous or deleterious ingredient which may render such article injurious to health: provided, that when in the preparation of food products for shipment they are preserved by any external application applied in such manner that the preservative is necessarily removed mechanically, or by maceration in water, or otherwise, and directions for the removal of said preservative shall be printed on the cover of the package, the provisions of this act shall be construed as applying only when said products are ready for consumption. Sixth, if it consist in whole or in part of a filthy, decomposed, tainted, or putrid animal or vegetable substance or any portion of an animal unfit for food, whether

manufactured or not, or if it is the product of a diseased animal, or one that had died otherwise than by slaughter.

Sec. 3. That Section 8 of Chapter 266 of the Session Laws of 1907 be amended so as to read as follows: Section 8. That the term "misbranded," as used herein, shall apply to all drugs or articles of food, or articles which enter into the composition of food, the container or label of which shall bear any statement, design or device regarding such article, or the ingredients or substances contained therein, which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the state in which it is manufactured or produced. That for the purpose of this act an article shall also be deemed to be misbranded.

In case of drugs: First, if it be an imitation of or offered for sale under the name of another article. Second, if the contents of the package as originally put up shall have been removed in whole or in part, and other contents shall have been placed in such package, or if the package fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha- or beta-eucaine, chloroform, cannabis indica, chloral hydrate, phenacetin, acetanilid or any derivative or preparation of any such substance contained therein: provided, that drugs and medicines dispensed by or on the order of a physician's prescription, or in accordance with a formula submitted by the purchaser and intended for immediate or temporary use, need not bear any statement on the package as to its contents, *when labeled with directions for use.*

In the case of food: First, if it be an imitation of or offered for sale under the distinctive name of another article. Second, if it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if it fail to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroin, alpha- or beta-eucaine, chloroform, cannabis indica, chloral hydrate, phenacetin, acetanilid, or arsenic, or any derivative or preparation of any such substance contained therein, *or which shall omit to state the presence of any artificial coloring matter contained therein.* Third, if in package form, and the contents are stated in terms of weight, measure or quantity, the net weight, measure or quantity, is not plainly and correctly stated on the outside of the package. Fourth, if the package containing it, or its label, shall bear any statement, design or device regarding the ingredients, or the substances contained therein, which statement, design or device shall be false or misleading in any particular.

Provided, that an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases: First, in the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with the statement of the place where said article has been manufactured or produced. Second, in the case of articles labeled, branded or tagged so as to plainly indicate that they are compounds, imitations, or blends, and the word "compound," "imitation," or "blend," as the case may be, is plainly stated on the package in which it is offered for sale:



provided, that the term "blend" as used herein, shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only; and provided further that nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods, which contain no unwholesome ingredients to disclose their trade formulas, except in so far as the provisions of this act, or the rules and regulations of the State Board of Health, may require to secure freedom from adulteration or misbranding.

Sec. 4. That Section 11 of Chapter 266 of the Session Laws of 1907 be amended so as to read as follows: Section 11. The State Board of Health shall appoint *five* food inspectors and *five* drug inspectors, who shall serve during the pleasure of the board, and shall each receive a salary of *not more than \$125.00* per month. *The secretary of the State Board of Health shall appoint an assistant chief food and drug inspector, who shall receive a salary of \$150.00 per month, and who shall serve during the pleasure of the chief food and drug inspector.* They shall be allowed the actual necessary expenses incurred in the performance of their duties, which shall be such as are prescribed by the rules of the State Board of Health as hereinbefore provided. *The appointment of inspectors herein provided shall be based upon a competitive examination of applicants for the position of*

*inspector, which examination shall be conducted by the chief food and drug inspector and the food and drug analysts of the State Board of Health.* The secretary of the State Board of Health, as executive officer of the board, shall direct the actions of the food and drug inspectors as such, and by reason of this office shall be chief food and drug inspector; he shall receive a salary of \$2,500 per annum, and such actual necessary expenses as are incurred in the performance of his duties as secretary of the State Board of Health and chief food and drug inspector.

Sec. 5. That Section 14 of Chapter 266 of the Session Laws of 1907 be amended so as to read as follows: Section 14. That the standards of quality, purity and strength for foods and drugs that have been adopted by the United States Department of Agriculture are hereby declared to be the standards of purity, quality and strength for foods and drugs in the state of Kansas, until other standards are prescribed by the State Board of Health, in which case such standards so adopted by the State Board of Health shall be official for the state of Kansas from and after their publication in the official state paper.

Sec. 6. That original Sections 3, 7, 8, 11 and 14 of Chapter 266 of the Session Laws of 1907 be and the same are hereby repealed.

Sec. 7. This act shall take effect and be in force from and after its publication in the official state paper.

## Kansas New Weights and Measures Law.

An act concerning weights and measures and the regulations thereof and to repeal an act entitled "An act regulating weights and measures," approved March 2, 1868, and as amended by chapter 167 of the Laws of 1886 and chapter 208 of the Laws of 1877 and chapter 280 of the Laws of 1897 and being sections 7920 to 7931, both inclusive of chapter 116 of the general statutes of Kansas of 1901, and to provide for damages, fines and penalties for the violation thereof, and for the inspection of weights and measures and the enforcement thereof by the State Board of Health, and to provide a rules of evidence, and to provide for certain fees and compensation.

Be it enacted by the Legislature of the State of Kansas:

Section 1. Such standard weights and measures as have been furnished to this state by the government of the United States, in accordance with a joint resolution of Congress, approved June 14, 1836, and such weights, measures, balances and measuring devices as may be received from the United States as standard weights, measures, balances and measuring devices, in addition thereto, or in renewal thereof, shall be the authorized standards of the State of Kansas.

Sec. 2. The units of standard measures of length and surface, from which all other measures of extension, whether lineal, superficial or solid, shall be derived and ascertained, are the standard of lengths designated in this act. The yard is divided into three equal parts called feet, and each foot into twelve equal parts called inches. For measures of cloth and other commodities commonly sold by the yard, the yard may be divided into halves, quarters, eighths and sixteenths. The rod, pole or perch contains five and one-half yards; the mile one thousand seven hundred and sixty yards. The chain for measuring land is twenty-two yards long and divided into one hundred equal parts called links. The acre for land measure shall be measured horizontally and contain ten square chains, equivalent in area to a rectangle sixteen rods in length and ten in breadth; six hundred and forty acres being contained in a square mile.

Sec. 3. Units of Weight. The units of standards of weight from which all other weights shall be derived and ascertained shall be the standard weights designated in this act. The hundredweight consists of one hundred avoirdupois pounds and a ton contains twenty hundredweights. Wherever hereafter in this act the word pound is used it shall mean the avoirdupois pound unless otherwise distinctly specified.

Sec. 4. Units of Dry Measure. The units of standards of measure of capacity for commodities not liquids, from which all other measures shall be derived and ascertained, shall be the standards for such commodities designated in this act. The peck, half-peck, quarter-peck, quart, pint and half-pint measures for measuring commodities which are not liquids,

shall be derived from the half-bushel by successively dividing that measure by two.

Sec. 5. Units of Liquid Measure. The units of standards of measure of capacity for liquids from which all other measures shall be derived and ascertained shall be the standard liquid measures designated in this act. The liquid gallon shall be divided by continual division by the number two, so as to make half-gallons, quarts, pints, half-pints and gills.

Sec. 6. Electrical Measures. The standards of electrical measures recognized by the National Bureau of Standards when procured by the state shall be the standard of electrical measures in the State of Kansas.

Sec. 7. Metric Weights and Measures. The weights and measures of the metric system shall be legal weights and measures in the State of Kansas.

Sec. 8. Weights per barrel and per bushel. Whenever any of the following articles shall be contracted for, or sold, or delivered, and no special contract or agreement shall be made to the contrary, such sale and all computations for payment or settlement therefor shall be by weight. The net weight per barrel or bushel, or divisible merchantable quantities of a barrel or a bushel, shall be as follows: wheat flour, per barrel, one hundred and ninety-six pounds, per half barrel ninety-eight pounds, per quarter barrel sack forty-eight pounds, per one-eighth barrel sack twenty-four pounds; per one-sixteenth barrel sack, twelve pounds; corn meal, per bushel sack forty-eight pounds, per half-bushel sack twenty-four pounds, per quarter bushel sack twelve pounds; of the following articles, per bushel: wheat, sixty pounds; rye, fifty-six pounds; Indian corn, in the ear, seventy pounds; Kaffir corn, fifty-six pounds; rice corn, fifty-six pounds; corn, shelled, fifty-six pounds; sorghum seed, fifty pounds; buckwheat, fifty pounds; barley, forty-eight pounds; malt, thirty-two pounds; oats, thirty-two pounds; bran, twenty pounds; beans, sixty pounds; clover seed, sixty pounds; Hungarian and millet seed, fifty pounds; potatoes, sixty pounds; sweet potatoes, fifty pounds; turnips, fifty-five pounds; flax seed, fifty-six pounds; onions, fifty-seven pounds; salt, eighty pounds; castor beans, forty-six



pounds; hemp seed, forty-four pounds; native blue grass seed, fourteen pounds; English blue grass seed, twenty-two pounds; timothy seed, forty-five pounds; dried peaches, thirty-three pounds; dried apples, twenty-four pounds; green apples, forty-eight pounds; unslacked lime, eighty pounds; plastering hair, unwashed, eight pounds; plastering hair, washed, four pounds; parsnips, fifty pounds; carrots, fifty pounds; beets, fifty-six pounds; tomatoes, fifty-six pounds; peaches, forty-eight pounds; shelled dried peas, sixty pounds; alfalfa seed, sixty pounds.

Sec. 9. All contracts, sales or purchases hereafter made for work to be done, or for anything to be sold or delivered, or done by weight or measure within this state, shall be taken and construed in terms of and according to the standards of weights and measures adopted by this act, except where parties have agreed upon any other calculations or measurement, and all statements and representations of any kind referring to the weights or measures of commodities sold or purchased or exposed for sale shall be understood in terms of the standards of weights or measures aforesaid.

Sec. 10. All dry commodities not otherwise specified in this act shall be sold only by standard dry measure, standard weight or numerical count, except where parties otherwise agree.

Sec. 11. Berries and small fruits whenever sold in boxes shall be sold in boxes containing a standard dry quart or dry pint, and if said boxes contain less than this amount the information must be given to the purchaser or such packages must be labeled with a statement of the net contents.

Sec. 12. All milk or cream that shall be sold in bottles shall be sold only in bottles containing half-pints, pints, quarts, half-gallons or gallons. All other liquid commodities shall be sold only by standard liquid measure or standard weight, except where parties otherwise agree.

Sec. 13. A loaf of bread for sale shall be two pounds in weight. Bread, unless composed in chief part of rye or maize, shall be sold only in whole, half, and quarter loaves and not otherwise. Bread, when sold, shall, upon the request of the buyer, be weighed in his presence and, if found deficient in weight, additional bread shall be delivered to make up the legal weight, except that this section shall not apply to rolls or to fancy bread weighing less than one quarter of a pound. Every loaf, half-loaf or quarter-loaf of bread which does not weigh the full weight required by this section shall be plainly labeled with the exact weight.

Sec. 14. A print or package of butter shall contain sixteen ounces avoirdupois, and when a print or package of butter containing less than sixteen ounces avoirdupois shall be sold, its net weight shall be disclosed by the seller to the buyer or a statement of the net weight be made upon a label attached thereto.

Sec. 15. A person who, by himself or by his servant or agent, or as the servant or the agent of another, uses a weight, measure, balance or measuring device that is false and does not conform to the authorized standard, for determining the quantity of any commodity or article of merchandise, or sells or exposes for sale less than the quantity which he represents, or sells or offers for sale commodities in a manner contrary to law, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be fined in a sum of not less than five dollars nor more than one hundred dollars, or by imprisonment in the county jail for not more than ninety days, or by both such fine and imprisonment. He shall also be liable to the injured party in double the amount of the property wrongfully taken or not given and ten dollars in addition thereto, to be recovered in any court of competent jurisdiction. The selling and delivery of any commodity or article of merchandise shall be prima facie evidence of representations, on the part of the vendor, that the quantity sold and delivered was the quantity bought by the vendee. There shall be taken into consideration the usual and ordinary leakage, evaporation or waste that there may be from time the package is filled by the vendor until the selling of the same. A slight variation from the stated weight, measure or quantity for individual packages is permissible, provided this variation is as often above as below the weight, measure or quantity stated.

Sec. 16. The Chancellor of the University of Kansas at Lawrence shall be ex officio state sealer of weights and measures (hereafter referred to in this act as the state sealer), and shall have the care and custody of the authorized public standards of weights and measures and of balances and other apparatus of all kinds owned by the state under section 1 of this act. He shall maintain the state standards in good order and submit them at least once in every ten years to the National Bureau of Standards for verification.

He shall compare and adjust by the state standards all county, municipal and other official standard weights, measures, balances and measuring devices which may be sent or brought to him for that purpose, and shall seal the same when found or made to conform to the state standards, by stamping upon each the letter "K" and the last two figures of the year in which the said comparison and adjustment has been made, with seals which he shall have and keep for that purpose; provided that he may refuse to compare and seal any weights, measures, balances or measuring devices as standards for any county, municipality or public offices which do not conform to the type approved by the National Bureau of Standards for such use.

Sec. 17. The state sealer may try and prove weights, measures, balances and other measuring devices on request for any person, corporation or institution, and when the same are found or made to conform to the state standards, and otherwise fulfill such reasonable requirements as he shall make, he may seal the same with a seal which he shall have and keep for that purpose.

Sec. 18. The state sealer shall keep a record of all of the weights, measures, balances or other measuring devices sealed or condemned by him and shall make an annual report to the Governor on or before January 1st of each year, a copy of which shall be filed with the National Bureau of Standards. He shall issue from time to time regulations for the guidance of county, municipal and all other inspectors or sealers of weights and measures, and the said regulations shall govern the procedure to be followed by the aforesaid officers in the discharge of their duties.

Sec. 19. The state sealer may appoint a deputy state sealer who shall perform such duties as may be prescribed by the state sealer, and he shall be a member of the faculty of the state university and receive no other compensation than his salary as a member of the faculty.

Sec. 20. The county clerk of each county shall be the sealer of weights and measures for the county, and shall have the care and custody of the county standards. He shall procure when ordered by the Board of County Commissioners at the expense of the county, when not already provided, a full set of weights, measures, balances and measuring devices which he shall cause to be tried, proved and sealed by the state standards under the direction of the state sealer. He shall maintain the standards and other apparatus under his charge in good order and repair and submit the same to the state sealer for verification when in the judgement of the commissioners it seems necessary.

Sec. 21. Sets of standards for county and local sealers if procured shall include the following weights, measures and balances, and they shall be of a type approved for such use by the state sealer:

One yard measure divided into feet and inches, and at least one of the inches divided into thirty-seconds of an inch.

Dry capacity measures: One-half bushel, one peck, one quart and one pint.

Liquid capacity measures: One gallon, one quart and one pint.

Avoirdupois pound weights in the following number and denomination: One fifty pound, one twenty pound, two ten pound, one five pound, two two pound, and one one pound.

Avoirdupois ounce and fractional ounce weights in the following number and denomination: One eight ounce, one four ounce, one two ounce, two one ounce, one one-half ounce, one one-quarter ounce, one one-eighth ounce and two one-sixteenth ounce.

Twenty test weights each of fifty pounds for testing platform scales and other large scales if the same are to be tested.

One equal arm balance of capacity of fifty pounds to one-sixteenth of an ounce.

Sec. 22. The several county and local sealers shall try and prove all weights, measures, balances and measuring devices when requested so to do, and when the same are found or made to conform to the authorized standards they shall seal and mark such weights, measures, balances and measuring devices with a seal to be kept by them for that purpose. When any weight, measure, balance or measuring device is found by any authorized inspector or sealer to be false or untrue or not of an approved type, or which does not conform to the standards, or which cannot be made to conform to the standards by such means as the said inspector or sealer may have at his disposal, he shall condemn the same and mark it condemned in a conspicuous manner, and such condemnation mark shall not be removed or defaced except by authorization of the said inspector or sealer.

Sec. 23. Any county clerk who neglects to keep the stand-



ards under his charge in good order or repair, or who suffers any of them through his neglect to be lost, damaged or destroyed, or who fails to perform any of the duties imposed upon him by this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, in a court of competent jurisdiction, shall be subject to a fine of not less than ten dollars nor more than two hundred dollars.

Sec. 24. Each sealer of weights and measures, including the county clerks, shall receive fees as follows: One dollar for inspecting or sealing each platform scale if weighing five thousand pounds or more, and fifty cents if weighing less than that amount, and shall be entitled to collect from the owner or custodian of such platform scales an amount sufficient to cover the cost of transporting all necessary test weights to and from the location of said scales; for sealing or marking every beam ten cents; for sealing or marking measures of extension ten cents per yard or fraction thereof, not exceeding fifty cents for any one measure; for sealing or marking every weight five cents; for sealing or marking liquid or dry measures ten cents for each measure. He shall have a reasonable compensation for making weights and measures conform to the standards in his possession. The state sealer shall not require any fee from any county or city and all fees collected by the state, county or city sealer shall be paid into the state, county or city treasury, as the case may be.

Sec. 25. All state, county and local sealers, or their deputies and other authorized inspectors of weights and measures, shall have full power to enter any premises in or on which any weights, measures, balances or measuring devices may be located or used for the purposes of trade, for the purpose of inspecting, adjusting and sealing or condemning the same. Whoever hinders, obstructs, or in any way interferes with any sealer or other person authorized to inspect weights and measures, while in the performance of said inspection, or whoever fails to produce upon demand by such authorized sealer or inspector, all weights, measures, balances or measuring devices in or upon his place of business or in his possession, for use in manufacture or trade, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than five dollars nor more than one hundred dollars.

Sec. 26. Any state or local sealer or deputy, who shall seal any weight, measure, balance or measuring device before first testing and making the same conform to the authorized standard or who shall condemn any weight, measure, balance or measuring device without first testing the same, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than five dollars nor more than one hundred dollars.

Sec. 27. The several county and municipal sealers and other persons authorized to inspect weights and measures shall keep records of all weights and measures, balances and measuring devices inspected, sealed or condemned by them, giving the name of the owner or agent, the place of business, the date of inspection and kind of apparatus so inspected, sealed or condemned, and shall make an annual report of the same to the state sealer on or before the first day of September of each year, giving in addition to the above an inventory of the standards and apparatus in his possession, and such other information as he may deem important or that the state sealer may require.

Sec. 28. Any city or municipality in the state may establish a department of public inspection of weights and measures, and shall have power to appoint a sealer, and deputies, and fix their compensation, and to pass such ordinances not in conflict with the state laws as may be deemed necessary, and if a city or municipality shall establish such a department it shall provide the sealer with suitable quarters, a set of standards as hereinbefore specified in this act, and all other equipment for the proper performance of his duties. All city and municipal standards shall be tried, proved and sealed under the direction of the state sealer and shall be returned to him for verification at least once in every five years.

Sec. 29. The county or local sealer, who may have reason to believe that any weight, measure, balance or measuring device used in trade is inaccurate, or not according to the standard, shall have authority to make an immediate examination of the same and require that the same be tried and tested and conform to the standards herein required.

Sec. 30. It is hereby made the duty of the State Board of Health and its several food and drug inspectors, to cooperate with the state and local sealers in carrying out the provisions of this act and all other acts relating to weights and measures, and the said food and drug inspectors are hereby auth-

orized and empowered to act as inspectors of weights and measures used in trade. The State Board of Health shall procure at the expense of the state a full set of standard weights, measures and balances including sets of standard apothecary's weights and measures, and cause the same to be proved and sealed by the state standards under the direction of the state sealer, together with the necessary working sets of weights, measures, balances and measuring devices for the use of the said inspectors which must be officially sealed, and such weights and measures, balances and measuring devices provided for such inspectors shall be competent evidence in all the courts in this state in criminal or civil action.

Sec. 31. That an act entitled "An Act regulating weights and measures," approved March 2nd, 1868, as amended by Chapter 167 of the Laws of 1886 and Chapter 208 of the Laws of 1877 and Chapter 280 of the Laws of 1897, being Sections 7920 to 7931, inclusive, of Chapter 116 of the General Statutes of Kansas of 1901, be, and the same is hereby repealed; provided, however, that where any penalty has been incurred or any proceeding commenced under or contract made by virtue of the statutes sought to be repealed it shall remain in force as to such penalty incurred or proceeding commenced or contract made.

Sec. 32. This act shall take effect and be in force from and after its publication in the statute book.

### INJUNCTION GRANTED IN FAVOR OF BENZOATE OF SODA.

In the Circuit Court of the United States,  
For the District of Indiana.

Williams Brothers Company,  
Curtis Brothers Company,

vs.

Harry E. Barnard, Fred A.  
Tucker, George T. McCoy,  
W. N. Wishard, T. Henry  
Davis and J. N. Hurty.

#### ON DEMURRER TO THE BILL.

Memorandum by the Court:

Upon the hearing of the application for a temporary injunction in this cause affidavits were filed by the defendant setting forth that benzoate of soda can be and is used for the purpose of concealing inferiority in materials and insanitary methods of manufacture. These matters were not denied at that time, and in ruling upon that motion the Court held that it could not say, in the face of such showing, that the provision of the Pure Food Law excluding benzoate of soda was unreasonable.

The question now is upon the sufficiency of the bill as amended. The bill charges in substance that complainants have a large amount of money invested in the business of packing food and vegetable products, including catsup and pickles; that complainants' annual products are of the value \$2,000,000, and that \$80,000 worth of these products are sold annually in the State of Indiana; that from time immemorial it has been necessary to pack tomato catsup and sweet pickles with some kind of preservative in order to keep the same from spoiling, and especially after they are opened and while in the process of consumption; that the approximate value of the products of complainants and other manufacturers in the United States prepared with benzoate of soda is sixty millions of dollars annually; that benzoate of soda is a harmless and inoffensive substance, and as used by complainants does not render the foods with which it is prepared deleterious to any person consuming them; that it is not and cannot be used to conceal inferiority or insanitary conditions in foods or food products; that unless complainants can continue to use benzoate of soda in the preparation of food and vegetable products, such prohibition will absolutely destroy all that portion of their business devoted to the manufacture and sale of catsup and pickles and that they will have to discontinue wholly the manufacture and sale of such products; that the defendants purport to be acting under and by virtue of Chapter 104 of the Laws of Indiana for the year 1907; that section 1 of that act forbids the adulteration of foods within the meaning of the act; that section 2, paragraph 7, provides: "If it (a food) contains any added antiseptic preservative substance except common table salt, saltpeter, cane sugar, vinegar, spices, or, in smoked food, the natural products of the smoking process, or other harmless preservative whose use is authorized by the State Board of Health," it shall be deemed adulterated. That section 7 of said act provides among other things, that "the State Board of Health shall adopt such rules as shall be necessary to enforce this act, and shall adopt rules regulat-



ing minimum standards for foods and drugs, defining specific adulteration and declaring the proper methods of collecting and examining drugs and articles of food, and the violation of said rules shall be punished, on conviction, as set forth in section 10 of this act." That, purporting to act under said law the defendants published and promulgated certain standards, etc., that section 2 by exclusion prohibits the use of benzoate of soda in foods; that the said standards set forth as aforesaid exclude the use of benzoate of soda in such products; that in pursuance of said statute and rulings the defendants have notified dealers in complainants' products in the State of Indiana that if they sell or offer for sale such products, they will be violating the laws of the State and will be prosecuted criminally; and that defendants have written and printed bulletins to complainants' customers in Indiana to the effect that the goods prepared by complainants do not comply with the laws of the State, warning the public against buying such products, and threatening criminal prosecutions; that all of said statements made by the defendants are false; that the defendants have conspired with their servants and employes to ruin complainants' business in said State of Indiana by bringing to bear upon complainants' customers intimidating and coercive means.

It is contended that Chapter 104 of the Laws of 1907, and especially the sections set forth, are unconstitutional and void for the reasons:

1. Said chapter is contrary to the Fourteenth Amendment to the Constitution of the United States in that it attempts to deprive complainants of property and property rights without the process of law and without compensation.

2. Said chapter and especially section 7 thereof vests legislative powers in the United Board of Health, and is contrary to Article 4, Section 1 of the Constitution of the State of Indiana.

3. Said chapter, and especially section 1 and section 6 which make the United States Pharmacopocia and the Food and Drugs Act of June 6, 1906, of Congress a part of said chapter by reference, is contrary to Article 4, Section 21, of the said Constitution of the State of Indiana.

4. Said Section 2 of said Chapter 104 is contrary to the Constitution of the State of Indiana in that it attempts to deprive complainants of their property and property rights without due process of law and without compensation.

5. Said entire Chapter 104 is unconstitutional because when void portions are stricken out it will not be presumed that the legislature would have enacted the remaining portion alone.

For the purposes of this demurrer the court will only consider the first reason assigned, namely: that the act deprives complainants of their property and property rights without due process of law and without compensation as prohibited by the Fourteenth Amendment to the Constitution of the United States.

The demurrer admits that benzoate of soda as used by the complainants is harmless and inoffensive, and does not render foods with which it is prepared deleterious to the health of the persons consuming them; that it is not and cannot be used to conceal inferiority of materials or workmanship, or insanitary methods of manufacture. "The legislature may not, under the guise of protecting the public interests, arbitrarily interfere with private business or impose unusual or unnecessary restrictions upon lawful occupations. In other words, its determination as to what is a proper exercise of its police powers is not final or conclusive, but is subject to the supervision of the courts." *Lawton vs. Steele*, 152 U. S., 133, 137. "A statute to be within the (police) power must be responsive to some public necessity, suitable to subserve it and reasonable in its operation upon the persons whom it affects." *Republic Iron and Steel Company vs. State*, 160 Ind., 379. If, as alleged, benzoate of soda is absolutely harmless, and cannot be used to cover up defects, conceal inferiority or cause deception, it is difficult to see upon what ground the inhibition of its use by complainants as alleged can be upheld. Unless its inhibition has some substantial relation to the protection of the public health, the public morals of the public safety, it is arbitrary and unreasonable.

Defendants' counsel, however, insist that if the allegations as to its harmless character and to the effect that it is not and cannot be used to conceal inferiority or insanitary conditions in manufacture, be true, yet that the very fact that benzoate of soda is a chemical preservative shows that it contains the elements that arrest decomposition, and that such elements must necessarily retard or prevent digestion.

This argument, of course, would justify the exclusion of common salt as a preservative. It is said in *People vs. Biesecker*, 169, N. Y., 53:

"The preservation of food and the arrest of its tendency to decay is certainly a proper and lawful object in itself. It is a work in which man has been engaged to some extent from earliest history. It is the subject of large industries in this country, and the products of those industries are generally used by the community and are lawful objects of manufacture and sale. The industry has grown to an enormous extent. These are matters of common knowledge. There is, doubtless, in the prosecution of those industries danger of adulteration and of the use of processes injurious to public health. The regulation of these subjects for the protection of the public health and the prevention of imposition on consumers is within the power of the legislature, and the propriety of its exercise cannot be questioned. But while it may regulate, the legislature may not destroy an industry, and that is not a valid regulation which in dealing with the means of preserving food, makes the preservation of food itself an unlawful act. Ingredients and processes may be prohibited as unwholesome or causing deception, but not solely because they preserve.

The bill tenders issues of fact which require answer. The demurrer is accordingly overruled.

### GERMAN CULINARY INSTITUTE.

*Novel School and Museum Opened in the City of Frankfort.*

Consul-General Richard Guenther reports that the German city of Frankfort has added to its many institutions of learning, sciences, and fine arts a new one of a novel character, which he thus describes:

The Culinary Art Museum was opened here in January in the new building specially erected for it by the International League of Cooks, which has its headquarters in this city. The object of the museum is to cultivate the culinary art to the highest degree. All the best publications, books, and periodicals, etc., treating of cooking, its auxiliaries, and components will be kept in the library and reading rooms of the museum. Collections of rare old publications, of bills of fare, and ornamentations referring to this branch of human activity will find a lasting abode there as well.

Every new dish of gastronomic invention will be duplicated and tested in the museum as to its merits, also every new mode of ornamenting the festive board, and contrivances used for cooking and the placement of the viands. It will be the university or high school for the chefs de cuisine, hotel keepers, gourments, and producers and dealers of fine food articles, relishes, game, fruit, etc. At the opening of the museum the city authorities of Frankfort and the leading hotels were represented. The chief cooks of Frankfort's patrician houses and of princely castles in the vicinity sent specimens of their culinary skill, which were placed on exhibition in the Salon Culinaire. This new institution will no doubt exert considerable influence in its sphere.

### RELEASE OF QUARANTINE FOR SHEEP SCAB

As a result of the good progress made by the Bureau of Animal Industry in co-operation with State authorities in the eradication of sheep scab, an order has been issued by the Secretary of Agriculture, effective April 1, removing the Federal quarantine on account of this disease from Montana and from portions of North Dakota and South Dakota lying south and west of the Missouri river. The States and Territories remaining in quarantine for this disease are Washington, Oregon, California, Nevada, Utah, Colorado, Arizona, New Mexico, and Texas. The infection in parts of this area is so slight and such good headway is being made toward its eradication that the Bureau hopes to be able to release further territory from quarantine during the present year.

### USE OF BENZOATE OF SODA IN PRESERVING MEAT.

Washington, D. C., March 18, 1909.

In view of the recent decision of the Board of Food and Drug Inspection of the United States Department of Agriculture relative to the use of benzoate of soda in food products, the meat inspection regulations of the Bureau of Animal Industry have been amended so as to permit the addition of this preservative to meats and meat food products provided they bear approved labels plainly showing the presence and amount of benzoate of soda.



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## WILLIAM P. CUTLER, M.D., DAIRY AND FOOD COMMISSIONER OF MISSOURI.

Dr. William P. Cutler is a Buckeye by birth, having his first experience with the world at Portsmouth, Ohio. He received a common school education in that state and graduated in medicine at Cincinnati. His first practice was as a surgeon on a steamship of the Alexandria line running out of New York City. About twenty years ago he adopted the advice of Horace Greeley and came to Kansas City. He was first health officer and originated food inspection in Kansas City.

Kansas City up to the time of the agitation of food matters leading up to a national law was far behind cities of smaller and larger size in guarding the quality of her food supply, and there was the more need for supervision as neither Missouri nor Kansas had at that time laws regulating the sale of food. Dr. Cutler took up the work with undoubted energy, and perhaps with tact and good judgment, and has, it is said, made a marked improvement in the food supply of Kansas City. THE AMERICAN FOOD JOURNAL has not been in entire sympathy with his methods, although willing to praise any good that may have accrued from them. Governor Hadley appointed Dr. Cutler State Dairy and Food Commissioner of Missouri February 20 of this year. We trust that Dr. Cutler will profit both by his own experience in Kansas City and by that of his predecessors in the Dairy and Food Department, and give Missouri a sane, honest and vigorous enforcement of law.

### SOFT DRINKS DEFENDED.

In another talkfest before students at Holy Cross Academy, Washington, D. C., which was played up in the papers in becoming style, Dr. Wiley was quoted as saying:

"It will surprise you to know that most of them (soft drinks) contain more caffeine than coffee and a drug which is more deadly. So beware of the soft drink."

Frederic W. Meyer, president of the Missouri Bottlers' Association, in an interview with the St. Louis Post Dispatch anent Dr. Wiley's charges, said:

"Dr. Wiley has done our industry a great injustice if he was quoted correctly. We have nothing in our goods that is injurious. We are advocates of a stringent pure food law and live up to what would be the most rigid terms in the law.

"The term, 'soft drinks,' which Dr. Wiley is quoted as using, has a definite commercial meaning. It means bottled goods and not drinks sold at a soda fountain. I think Dr. Wiley intended to refer only to soda fountain drinks, but the way he is quoted his language is ambiguous.

"In bottled goods—commercial soft drinks—the principal ingredients are water, carbonic acid gas and sugar or saccharine, a coal tar preparation which is harmless. The best bottlers use pure sugar. No cocaine or caffeine ever gets into our goods.

### CRITICISM IS SERIOUS.

"What is sold at the soda fountain is another matter. Syrups are used there which may or may not contain harmful ingredients. I guess some of them do contain caffeine or even cocaine. But we have absolutely nothing to do with the mixed soda fountain drinks. Whatever Dr. Wiley has discovered about them is one matter, but his holding up 'soft drinks' as harmful is another and a very serious matter.

"If he meant what the term 'soft drinks' always means in commercial parlance, we want to deny most emphatically that there is one word of truth in what he said. And if he meant the mixed drinks that are sold at soda fountains, we want to protest against the looseness of language used, provided he was quoted correctly."

## DAVID KISSAM YOUNG.

In another column will be found a letter from one of Dr. Wiley's more radical supporters, attempting to justify the charge that the Referee Board, being connected with large universities, endowed or in part supported by private contributions, was controlled by the capitalistic class. The argument speaks for itself.

In our comment last month on the argument of Mr. Young, which appeared in another periodical, we did not write disparagingly of Mr. Young, in fact, we did not mention the name of the gentleman nor did we attempt to discount the argument advanced, but merely wrote to correct the statement that the universities mentioned as furnishing the Referee Board and as belonging to the capitalistic class because supported by Mr. Rockefeller and the estate of the late Leland Stanford were not represented on the Referee Board. We are sure as Mr. Young refers so frequently to "truth" and "lies" he was glad to be informed that his argument should be made to fit the Northwestern University and the University of California rather than Leland Stanford University and University of Chicago. This he has nicely and probably correctly done by putting colleges all in the same class and thus clinched his argument.

### FOOD PRODUCTS CONGRESS.

United States Consul William Bardel writes from Rheims that, under the guidance of the "White Cross Society of Geneva," a second congress for the repression of fraud in the production and manufacture of food products will be held at Paris next October. The consul reviews the movement as follows:

It is claimed that while the first congress which assembled for that purpose at Geneva last year brought about a definition of what constitutes "pure food products," this year the theoretical definition is to be followed by practical commentaries. In other words, it is to be determined what treatment food products can undergo without ceasing still to be pure.

In this spirit information will be collected on the production of wine, cider, grease, chocolate, sugar, sausages, butter, oil, bread, vinegar, preserves, etc. Concerning the question of how to make pure wine, this district, being the most important of all districts in France so far as the production of wine is concerned, will be called upon to furnish expert information.



As is well known, wine is the product of complete or incomplete fermentation of the juice of fresh grapes. It has to undergo many processes of treatment from the time the grape enters the wine press until its juice reaches the table of the consumer. The fresh wine must be "fined," also clarified; and its barrels must be treated with the fumes of brimstone, etc. How all these operations should be performed so that the wine never ceases to be pure is a question which will be submitted for determination to competent parties, such as all wine-growing and wine-producing syndicates. It is expected that they will best be able to declare how pure wine is to be produced, and all proceedings which will not be contained in the schedule thus furnished by the wine experts will be declared illicit or fraudulent.

This question is to be duly settled at Paris this year. Another congress, to be held at Brussels next year, is to deliberate on the methods of analyzation for discovering fraud in the manufacture of food products.

#### WOMEN'S WORK IN TEXAS.

Mrs. C. T. Work, Texas Chairman of the Department of Home Economics for the Womans' Clubs, tells entertainingly of the work of the women in Texas and the part they took in securing the Texas Pure Food Law and the machinery for its enforcement.

As in Colorado, Texas owes her food law solely to women's efforts. To outsiders it was an enigma why the food commissioner was located at Denton instead of Austin, the capitol, or Ft. Worth, the metropolis. It transpires that it was purposely located by law in Denton where the State College for Women is located so that, as Mrs. Work says, the actual contact would be with the women of the state and not with politicians. Politicians in the sense as used is supposed to be masculine gender. From the manner in which the women led by Mrs. Work worked, in sacrificing about everything in the bill for the location of the commission and a woman inspector there appears some hope for the women in the field of politics.

#### THE AMERICAN GROCER AND SANITARY LAWS

We congratulate The American Grocer in withdrawing its violent opposition to sanitary laws. As now explained by the editor the principal objection "The American Grocer" had to sanitary laws was in the establishment of a resident inspector as required in the Meat Inspection Act. The same objection does not apply to the new Indiana Sanitary Law.

There were several facts and coincidents which as pointed out by THE AMERICAN FOOD JOURNAL seemed to indicate that a prominent Washington official was responsible for the attitude of The American Grocer on state sanitary legislation, and if the reversal of the position of The American Grocer means a change of heart of the Washington official we will double our congratulations and add ten.

#### NO IMPURE MEAT IN MASSACHUSETTS.

The Massachusetts Board of Health, in a report to Governor Draper, puts an end to charges of the "yellow" newspapers that diseased beef is sold in the state. Ninety-five per cent of beef consumed in Massachusetts is government inspected western beef. As the remaining five per cent is locally slaughtered mostly in the smaller town and villages it is improbable that any amount of meat for local consumption is unfit for

food. The newspapers have worked every trick known to the business to keep up the agitation but interest has about died out.

#### DATE FOR THE CONVENTION OF THE ASSOCIATION OF STATE FOOD AND DAIRY DEPARTMENTS.

The Thirteenth Annual Convention of the Association of State Food and Dairy Departments has been set, by the Executive Committee of that association, for August 24 to 27, 1909, inclusive, at Denver, Colo.

The Illinois commission has arranged with the Chicago, Burlington & Quincy Railroad to attach a special car to their No. 1 limited, which leaves Chicago at 1 p. m., daily, arriving at Denver at 6 p. m., the following evening. The fare for the round trip from Chicago, with privilege of going to Colorado Springs and Pueblo after the convention, will be \$30. Those desiring to go as far west as Salt Lake City can secure round-trip tickets from Chicago with the privilege of stopping off at any or all of the above places for \$43.

For further particulars address A. C. Odenbaugh, Passenger Agent, Chicago, Burlington & Quincy Railroad Company, 211 S. Clark street, Chicago.

#### A FAITHFUL EMPLOYER HONORED.

A human being named C. H. Fowler, probably because he could not be fairer, who hails from Springfield—thank heaven, Massachusetts—but who claims formerly to have lived in Minneapolis, Minn., throws mud at the successful and noted operatic singer, Miss Olive Fremstad, because she once worked in his house as a domestic. Miss Fremstad does not deny the fact, but takes the credit which is her due of conquering comparative poverty, and racial disadvantages, being a stranger in a strange land, and by her own exertions, ability and talent, rising to the topmost pinnacle of her profession.

Indeed, fortune is fickle, and some people have honors thrust upon them who do not deserve it, and Mr. Fowlest, or whatever his name is, has obtained more distinction in being a former employer of Miss Fremstad than any of his ancestors since the time a cunning ape developed his hind legs at the expense of his tail.

#### THE PURE FOOD MOVEMENT.

A glance at the number of pure food bills introduced in the legislature of every state in the Union now in session, indicates that high tide in the pure food movement has not yet been reached. Many of these bills have already been passed and signed by the governor and thus become in part a law of the land. Most of these laws are good and well advised. Some bills; however, were introduced without sufficient technical knowledge of the subject on the part of the framer, to be of value to the state and some bills were introduced simply as sand bags for use in waylaying unsuspecting manufacturers. Usually these bills were killed in committee, but once in a while one was forced through either against the wishes of the originator or because the framer was forced to make good on the bill. Much new and good food legislation, however, has already been passed, and the remaining weeks of the lawmaking season should see many more good bills change into good laws.



**UNIFIED STATES VS. MAPLEINE.**

The case of the United States of America vs. 300 cases of Mapleine, which was seized in Chicago some time last winter, has been set for trial in the United States district court at Chicago on April 20. The case will be tried before Judge Sanborn, who will hear cases in Chicago at that time.

The product is a vegetable extract used for flavoring sugar syrups to give them a flavor similar to maple. It contains no maple and is not sold as such or as a syrup, but simply as a flavoring extract, in small bottles. The product is labeled "Mapleine, a vegetable product producing a flavor similar to maple." This is followed by directions for use, for flavoring syrup candies, bonbons, cakes, etc.

The government contention is that the label is false and misleading because they claim the label would lead purchasers to suppose that the product contained maple syrup or maple sugar.

The case will be tried on this issue and promises to be one of the most interesting cases tried since the National Food and Drug Act has been enacted, and has evoked a great deal of interest among the trade, the general public and food control officials.

**THE DISAGREEMENTS OF SCIENTISTS.**

The diametrically opposite opinions expressed by scientific gentlemen concerning the effects of chemical preservatives upon the human system is calculated to shake public faith in the reliability of much that has gone forth in the name of science in these latter days. —*Introduction to editorial in Pennsylvania Monthly Bulletin for February.*

This fact the scientists of the United States have tried to impress on people who decide scientific questions as their prejudices, ignorance or self-interest dictates. Yet science is as exact to-day as when God made it, and only imperfect owing to the bounds which encompass our knowledge and the inaccuracies which attach to our observations. Science was not made to second our theories, but theories must conform to science.

**BLEACHING NOT PROHIBITED IN EUROPE.**

In compliance with instructions from the United States Bureau of Manufactures Special Agent Davis made inquiries in regard to the process of bleaching flour in Europe and reports as follows:

I am now in position to state that there is no law in France, Germany, or Great Britain prohibiting or regulating the bleaching of flour by chemical or electrical process. As in the United States, some millers in all the countries named oppose bleaching, or find no need for it, while others employ it.

Recently the Alsop Company (electrical process) was sued by the Andrews Company (chemical process) before the Lille (France) tribunal. The case went to the court of appeals, which has rendered its decision incidentally affirming that the bleaching of flour was an improvement, and that it was not injurious to public health.

**SECRETARY ALLEN SOON TO BE MARRIED.**

Mrs. John E. McVey of Youngstown, Ohio, announces the engagement of her daughter, Frances Isabella, to Mr. Robert McDowell Allen, Lexington, Ky., Secretary of the Association of State and National Dairy and Food Departments.

**FOOD NOTES**

South Dakota has appropriated for the maintenance of the Food and Drug Commissioners the following amounts per year:

For salary of commissioner.....	\$1,600
For salary of deputy and stenographer.....	1,720
For chemical department, office supplies and expense .....	3,300

Total .....\$6,620

South Dakota has appropriated for the maintenance of the office of Dairy Commissioner the sum of \$2,000 per year. This seems almost too cheap to be good.

The Calumet Baking Powder Co. on April 9th filed a bill of particulars in their suit against The Pierce Publishing Co. and National Food Magazine, in which they claim damages of \$100,000 in an alleged libelous article appearing in the January, 1909, issue of that journal. The article was in relation to the validity and value of the certificate awarded the Calumet Baking Powder at the World's Pure Food Exposition held in Chicago in 1908 and the advertising of the award by the Calumet company.

A vagrant being brought before a judge and fined one dollar said: "Judge, you will never know the true value of a dollar until you try to get it out of me."

Prof. J. H. Shepard, chemist of the South Dakota Food and Dairy Department, passed through Chicago on Saturday, April 10th, on his return from Europe, where he has been during the past month in connection with the bleached flour hearing.

The court of criminal appeals, in an opinion March 10th, annulled the pure food ordinance of the city of Dallas, Texas. The principal defect is found to be that the ordinance provides a severer penalty than does the state law on the same subject.

It is rumored that the legality of the appointment of the Referee Board is to be investigated by Attorney-General Wickersham at the instigation of President Taft.

Senator Stewart of Aurora introduced a sanitary food bill in the Illinois legislature. It was sent to the Committee on Manufactures.

A butter moonshiner was caught on the 27th ult., in McKeesport, Pa. In default of raising \$1,000 bail the defendant was jailed.

Only eighteen states and territories are now without laws to prevent stock food adulteration and misbranding.

An Ogden, Ia., merchant was fined \$25 and costs, March 26, 1909, for selling impure buckwheat.

Colorado gets four new inspectors and a slight increase in appropriation for the food work.

Fourteen young men took the examination for inspectors of food in Kansas last month.



**NEW COMMITTEE APPOINTED.**

To the Members of the Association of State and National Food and Dairy Departments:

At the meeting of the Association of State and National Food and Dairy Departments, held at Mackinac Island, Mich., August 4-7, 1908, the following resolution was unanimously adopted:

"Resolved, That this association is convinced that all chemical preservatives are harmful in foods and that all kinds of food products are and may be prepared and distributed without them, and pledges its best efforts to use all moral and legal means at its disposal to exclude chemical preservatives from food products, and, to this end, we ask the cordial support of all national, state and municipal authorities charged with the enforcement of food and drug laws. And in this connection, we desire to express our gratitude for the helpful services of the medical profession generally, and especially to the American Medical Association."

We now have before us in our official work:

1. The report of the Bureau of Chemistry of the United States Department of Agriculture to the effect that the use of benzoate of soda in the preparation of food products should not be permitted.

2. The published abstract of the report of the referee board, permitting and apparently encouraging the widest use of this chemical preservative.

3. The experiments of chemists of the food departments of several states, indicating that benzoate of soda cannot be regarded as harmless.

In view of the conflict of results among these authorities and the resultant chaotic condition as to the use of benzoate of soda in food products, and in view of the tremendous interests of all the people, involved in the final determination of these questions, the Executive Committee of the Association of State and National Food and Dairy Departments has authorized and instructed the president of the association to appoint a committee of eleven from among the state food chemists, to review not only the experiments and the work and conclusions of the Bureau of Chemistry of the United States Department of Agriculture and of the Referee Board on these subjects, but the work of the state food departments as well, this committee to report its findings to the Association of State and National Food and Dairy Departments at its next annual meeting. In conformity with these instructions, the following committee of state food chemists is appointed for the purposes above set forth, this committee to report at the thirteenth annual meeting of the association at Denver, August 24-27, 1909:

Dr. M. A. Scovell, Chairman, Kentucky.

Prof. W. M. Allen, North Carolina.

Dr. E. H. S. Bailey, Kansas.

Prof. H. E. Barnard, Indiana.

Dr. Richard Fischer, Wisconsin.

Prof. Julius Hortvet, Minnesota.

Prof. M. E. Jaffa, California.

Prof. E. F. Ladd, North Dakota.

Prof. Floyd W. Robison, Michigan.

Prof. James H. Shepard, South Dakota.

Dr. Chas. D. Woods, Maine.

Very respectfully,

J. Q. EMERY.

President Association State and National Food and Dairy Departments.

**REPORT OF PURE FOOD AND DRUG INSPECTOR OF COLORADO BOARD OF HEALTH.**

The report of Chief Inspector Wilbur F. Cannon seems lost in the bulky Ninth Annual Report of the Colorado Board of Health. Mr. Cannon thinks that the Colorado statute providing that the rules and regulation of the Board of Health on foods should not be more stringent than, nor in conflict with, those adopted by the United States Secretary of Agriculture, a good one. He also believes it to be wise to place the enforcement of the law in a slowly changing board. The commission asks that civil service rules be observed in his department. He also pleads for a state sanitary law.

Attention is particularly called to the work of the department in improving the Colorado markets as regards oysters, dairy products, canned vegetables and meats and vegetables exposed for sale on the streets.

In regard to liquors, Commissioner Cannon says: "The proper regulation of the liquor traffic has undoubtedly been the hardest matter to control, either by federal or state departments. The question as to what is whisky is still undetermined by the highest court in our land. Prosecutions have been brought by the federal government, and it appears as if an understanding had been reached between the government and the rectifiers that nothing more would be done until these matters were determined. It is really such a technical and intricate matter that I believe the part of wisdom in this state would be to await the final determination. When I state to you that no chemist has yet been able to determine by analysis the difference between whisky, distilled and properly aged in charred oak barrels, and what has been known as whisky for three hundred years, which is made by re-distilling the former class of whisky and adding thereto various colors and flavors, except in determining whether or not coloring matter has been added thereto, you will at once realize the difficulty of arriving at a conclusion. A great deal of misbranding has occurred in the alleged fruit flavored wines, brandies and cordials. I am pleased to report to you that in a very few days we shall arrive at an understanding with the liquor trade of this state that will enable us to regulate improper traffic in these substances, and that with the good will and assistance of the trade itself. They have promised to furnish us with convicting evidence in cases where positively injurious or deleterious substances are being sold as liquors. If we can accomplish this, with their assistance, we will render this state a greater service than if we were to engage in an interminable conflict, with possibly disastrous results."

Only one man has been brought to trial and he was soaked good and plenty. One E. C. Huffman, a druggist, was found guilty of selling headache powders containing acetanilide without that fact being stated on the label, and was fined \$300 and order committed to jail until paid.

The chemist, Edward C. Hill, in his report to "Dear Dr." Taylor, reports 604 specimens analyzed, and says that the work in his department is daily growing in volume. He further says that about one specimen in four of the foods, drugs and beverages examined was found adulterated, misbranded, or below standard in strength or quality.



### FIRST ANNUAL REPORT OF THE TEXAS DAIRY AND FOOD COMMISSIONER.

The First Annual Report of the Dairy and Food Commissioner of Texas is at hand, and considering the limited amount of money at the disposal of Commissioner Abbott he certainly makes a superb showing for the dairy and food work in that state. In the first place he makes a detailed showing of the number of foods analyzed and the result of the analysis. Secondly, he publishes a financial statement showing moneys received and expended. Several older organizations could copy these features with good taste and in fairness to their constituents.

We notice in the this detailed statement also that purchases for supplies have been distributed among several dealers, doubtless with regard to suitability, economy or both. Thus optical and chemical supplies have been purchased from Bausch & Lomb Optical Co., of Rochester, N. Y.; Earnest Leitz, Elmer and Amend of New York, and E. H. Sargent & Co. of Chicago. It looks peculiar when all supplies are furnished by one firm without competitive bids. Dr. Abbott, as mentioned in a previous issue of this journal, wants a larger appropriation, and he should have it. For this work New York appropriates \$150,000; Pennsylvania, \$175,000; Ohio, \$90,000; Illinois, \$30,000; while Texas gives but \$5,000. Thirty-four suits were brought last year in Texas and but one conviction obtained, but thirty-three suits are pending.

Dr. Abbott takes a radical position regarding patent medicines, favoring a law prohibiting any advertising matter in connection with the goods except the name of the article and the manufacturer.

The complete report of Dr. Abbott on baking powder is as follows:

"The value of a baking powder, not considering the effect on the health of those who eat bread in which it is used, depends on the quantity of carbon dioxide liberated in the process of cooking; for it is this gas which, liberated in the dough, gives to bread its light consistency. If the chemicals that are used in the manufacture of baking powder are not kept dry, and more or less separated by some substance, a baking powder gradually deteriorates. In other words, a partial chemical action takes place, and a proportionately large per cent of the available carbon dioxide gas is lost before the baking powder is used. For this reason, all baking powders should conform to a certain standard for available carbon dioxide gas. Some States have adopted a standard of 10 per cent, which we think should be adopted for the State of Texas. If we do not adopt such a standard, the result will be that much old goods will be shipped into our State that can not be shipped into those States that have a standard. While these baking powders may conform to our law, in giving the names of the several ingredients on the labels, the public will pay a high price for them, be that price ever so small, if we take into consideration the efficiency of the goods. The groceryman will not buy at any time a sufficient supply of green beans to last him through the summer, nor should he think of buying a quantity of baking powder sufficient to last him the same length of time. More is lost to the consumer in the purchase of old baking powders than in the purchase of most other articles.

"We have found that the quantity of available carbon dioxide in baking powder is out of all proportion to the prices of the different brands.

"An analysis of several brands shows the variation all the way from 2 per cent to 12 per cent. In one instance, in the same brand, we found that the variation was all the way from 4½ per cent to 12 per cent, the low percentage invariably being in the old product. We have not recorded these analyses for the reason that the law does not provide for such information.

"From a hygienic standpoint, much has been written on the relative value of alum baking powders, phosphate baking powders, and cream of tartar baking powders. All baking

powders have one constituent in common, viz., bicarbonate of soda, or common cooking soda, from which the available carbon dioxide is derived by the chemical action on this carbonate of some acid or acid salt.

"In the alum baking powder, this second constituent is some kind of alum, usually in the form of a double sulphate of aluminium and sodium. When alum and bicarbonate of soda react, carbon dioxide gas is liberated, which is the leavening principle. There is also formed at the same time a sulphate of sodium and a hydroxide of aluminium.

"In a phosphate powder, we have, in addition to the bicarbonate of soda, calcium acid phosphate usually. When these two chemicals react, carbon dioxide gas is liberated and a residue is left, consisting of sodium and calcium phosphate.

"In a cream of tartar baking powder, in addition to the bicarbonate of soda, there is a cream of tartar or tartaric acid. When tartaric acid is used, carbon dioxide is liberated and a residue of sodium tartrate is formed. When cream of tartar is used in place of the tartaric acid, carbon dioxide is liberated and there is a residue of sodium and potassium tartrate.

"Then the question arises, which of the following residues left in bread is injurious, or which is the most injurious, or which is the least injurious?

"Sulphate of soda and aluminium hydroxide are residues of alum powder.

"Monohydrogen phosphate and disodium phosphate are residues of phosphate powder.

"Residue of cream of tartar baking powder is sodium potassium tartrate.

"Residue of tartaric acid baking powder is sodium tartrate.

"Of course, if these residues could be eliminated altogether, a most desirable end would be reached; but, as this can not be done, we must choose between them and take the lesser of the evils. Those who manufacture cream of tartar baking powders continually decry the use of alum and phosphate powders. By referring to Wood's "Therapeutics—Its Principles and Practice," we find the following description of aluminium hydroxide: "It is a feebly astringent, desiccant powder in inflammatory conditions of the skin."

"It should be understood, however, that when aluminium hydroxide is heated, as it is in a baking oven, it is changed to the insoluble oxide of aluminium. In this form it could have no worse physiological effect than the same quantity of any other insoluble compound, and it is extremely improbable that it produces any bad effect at all on the system, being in as small a quantity as it naturally is in bread. At any rate, we have no knowledge to the effect from any scientific source.

"The same authority as was quoted above has the following to say in regard to the residues of tartaric acid and cream of tartar baking powders:

"Sodium potassium tartrate is a mild, saline purgative, decidedly less efficient, but much less offensive to the palate than Epsom salt. Kleeberg finds that it produces a marked fall in the blood-pressure of a dog when given in a dose of thirty milligrams per kilogram of the weight of the dog. A toxic dose produces a fatal diastolic arrest of the heart.

"Sodium tartrate, the residue of tartaric acid baking powders, produces a rise in the blood-pressure."

"The quantity of cream of tartar baking powder residues left in bread is so small that as a matter of course it would not produce the fatal results as described above.

"From the foregoing facts, it seems absurd to us that so much pure food literature of an unfavorable nature to alum baking powders, has been published. Even the manufacturers of cream of tartar baking powders have endeavored, and are still endeavoring, to create a prejudice against the use of alum baking powders, in order to increase their own business. This method of advertising seems to be peculiar to such manufacture. The public is aware that it is an extremely uncommon thing for one merchant to advertise the defects of his competitor's goods to further the sale of his own goods.

"An indication of this vicious method of advertising is shown in the following advertisement of one brand of cream of tartar baking powder:

"\* \* \* \* \* baking powder for nearly a half century has been giving the people pure food—long before a pure food law was thought out for either State or Nation. Made from Grapes—Pure and Healthful. No Alum—No Phosphates. Chemical tests show that alum baking powders leave unchanged alum, an injurious metallic acid, in the food. Be



on your guard. Alum powders may be known by their price—10 or 25 cents a pound, or one cent an ounce.

"The first absurdity in the above advertising matter is that that baking powder was made from grapes. This, of course, is absurd, for the reason that there was only one product in the baking powder that could have come from grapes, and this did not come from grapes in their natural state, but was one of the products resulting from the fermentation of the grape juice. The second absurdity is that alum baking powders leave unchanged alum in the food in which it is used. This may or may not be true; it depends altogether upon whether or not the ingredients of an alum baking powder have been mixed in the proper proportion.

"Another absurdity is that alum is an injurious metallic acid. It is true that aluminium hydroxide shows both a basic and acid nature, but its acid properties are not at all so pronounced as might be inferred from the advertisement.

"The difference in price between the alum and phosphate powders, on one hand, and the cream of tartar powders, on the other hand, is so great that there should be some positive scientific evidence that alum baking powders are injurious, before any legal action should be taken against them. As long as we have poor people, and the millennium does not appear very near to us, the question of the cost of staple food products will always be an important consideration.

"The simple fact that an article is cheap does not argue per se that it is injurious."

One of the noticeable features of the work of the Texas Food Commissioner during his first term of office is the discovery that many soft drinks sold in bottles contain cocaine. Cocaine was found in "celery cola," "koca nola," "coke," "kos kola," "coca celery" and "coca celery extract."

The exposure of this one detestable deleterious adulteration will repay the state many times the cost of administration.

#### WYOMING FOOD COMMISSION RULES IN FAVOR OF BENZOATE OF SODA.

Office of  
Dairy, Food and Oil Commissioner,  
Evanston and Cheyenne, Wyo.

April 7, 1909.

EDITOR AMERICAN FOOD JOURNAL:

At the meeting of the Food Board, April 3d, hearings upon the benzoate of soda question were heard. A number of representatives of manufacturers were present, and a number of affidavits were received from others who were not able to be present in person. After careful deliberation, it was decided to allow the use of benzoate of soda to the extent of one part in twelve hundred in the following goods, provided that the amount is plainly set forth upon the label:

Sweet apple cider.

Mince meat in bulk.

Cod fish in bulk.

Crushed fruits and fruit syrups used in the manufacture of soda fountain refreshments.

You will note that our law prohibits the use of benzoate of soda in all goods save certain bulk goods where it can be shown that they cannot be handled without the use of a preservative.

Very sincerely yours,

E. W. BURKE,  
Dairy, Food and Oil Commissioner.

#### BRITISH QUARANTINE AGAINST BALTIMORE REVOKED.

March 25, 1909.

According to official information received by the Department of Agriculture, the British Government has revoked the quarantine which it declared some time ago against livestock from the port of Baltimore on account of foot and mouth disease.

#### COMMUNICATION FROM DAVID KISSAM YOUNG.

The "American Food Journal."

Chicago, Ill.

Thank you very much for your notice on page 19 of your edition of March 15, 1909. Had a journal such as your's had anything favorable to say about me, I should have said, "What rascality have I been up to now?"

You very truly say in your article that "neither the Northwestern University nor the California University will claim to be much better than Columbia." As regards being the servants and exponents of the Capitalist Class there is hardly an exception among the colleges and universities in the United States. They are all owned and controlled in the interests of Capitalism, and their teachings are always against the Working Class. In their fear and hatred of the Working Class they do not hesitate to teach the meanest and most outrageous slanders and lies about that class. I am a college graduate myself and know whereof I speak.

Take George F. Baer's remark, "The interests of the workingman will not be looked after by the labor agitator but by the Christian men to whom God in His infinite wisdom has entrusted the property interests of this country." Could anything be more blasphemous?

Take Theodore Roosevelt's article on "Socialism" in the "Outlook" of March 20th. Would it be possible to crowd more lies in any article of the same length? And ought not any schoolboy be ashamed to write such a mass of trash? The lies show the pot-house politician while the ignorance displayed show what the colleges are teaching.

Take Roosevelt's illegal appointment of the so-called "experts" on Benzoate of Soda, which illegal commission was in consequence of the reiterated demands of the food poisoners. Whether legal or illegal the decision must stand because Cortelyou, the tool and lick-spital of Wall street; Wilson, the tool of the whole Capitalist Class, and Straus, the sweater of child labor, say that it must stand.

Take Fatty Taft's illegal appointment of MacVeagh, who according to your own list of law violators, has been guilty of violating the very laws he swears to uphold. Take the list of the most respectable wholesale grocers in the United States which you publish as wilful violators of the laws. Do these things mean nothing to you?

Or are you so stupid that you do not recognize the fact that there is a world-wide struggle between the Capitalist Class and the Working Class working through the Socialist Party and that this struggle will not end except with the total extinction of the whole Capitalist System?

I am enclosing you a little pamphlet with my compliments. This was written for the infant class and will therefore interest you.

After the Working Class own and operate all land, mines, oil wells, railroads and other means of transportation and all the means of production, including factories, etc., in short, when the working class owns the Trusts instead of the Trusts owning the country as they do at present, we shall have no use for "The American Food Journal" because food will then be produced for use and not for sale and profit, and the men now engaged in defending the food poisoners will be compelled to do some useful work or go hungry.

Until that time, which probably you and I will live to see, good bye, and if at any time you see a chance to print anything unfavorable about me I shall consider it a great compliment if you will do so.

Yours for the Socialist Revolution,

DANIEL KISSAM YOUNG.

Narberth, Pa., March 31, 1909.

#### THE PLAIN TRUTH.

It looks as if the notoriety-seeking Dr. Wiley would have to go, in spite of his strenuous efforts to secure flattering indorsements from those who feared him and from those who sought his favors. Starting out with a good purpose as the father of the pure-food law, Dr. Wiley tangled its administration by so many needless technicalities that he bid fair to become its undertaker as well as its progenitor. What the people want is the enforcement of every feature of the law that safeguards the wholesomeness and purity of our foods. They do not want absurd, fantastic, and changeable rulings, not embodied in the law, and not affecting the wholesomeness or healthfulness of what we eat and drink. It is unfortunate that Dr. Wiley did not realize this important fact a little earlier.—Leslie's Weekly.



**CIVIL SERVICE EXAMINATIONS FOR CHEMISTS.****Assistant Chemist (Male).****Office of Public Roads, Department of Agriculture  
May 5, 1909.**

The United States Civil Service Commission announces an examination on May 5, 1909, at the places mentioned in the list printed herein, to secure eligibles from which to make certification to fill at least two vacancies in the position of assistant chemist (male), at salaries ranging from \$1,400 to \$2,200 per annum, in the Office of Public Roads, Department of Agriculture, and vacancies requiring similar qualifications as they may occur.

The examination will consist of the subjects mentioned below, weighted as indicated:

Subjects.	Weights.
1. Elementary chemistry, including physical chemistry....	10
2. Analytical chemistry, qualitative and quantitative analysis .....	10
3. Chemistry of bitumens.....	40
4. Chemistry of cements.....	20
5. Training and experience (rated on application form) ..	20
Total .....	100

More than one day may be required for this examination.

Age limit, 20 years or over on the date of the examination.

This examination is open to all citizens of the United States who comply with the requirements.

This announcement contains all information which is communicated to applicants regarding the scope of the examination, the vacancy or vacancies to be filled, and the qualifications required.

Applicants should at once apply either to the United States Civil Service Commission, Washington, D. C., or to the secretary of the board of examiners at any place mentioned in the list printed hereon, for application Form 1312. No application will be accepted unless properly executed and filed with the Commission at Washington. In applying for this examination the exact title as given at the head of this announcement should be used in the application.

As examination papers are shipped direct from the Commission to the places of examination, it is necessary that applications be received in ample time to arrange for the examination desired at the place indicated by the applicant. The Commission will therefore arrange to examine any applicant whose application is received in time to permit the shipment of the necessary papers.

Issued March 27, 1909.

**Food and Drug Inspector (Male).****Bureau of Chemistry, Department of Agriculture.  
May 5-6, 1909.**

The United States Civil Service Commission announces an examination on May 5-6, 1909, at the places mentioned in the list printed hereon, to secure eligibles from which to make certification to fill vacancies in the position of food and drug inspector (male), at salaries of \$1,000 to \$1,800 per annum, in the Bureau of Chemistry, Department of Agriculture.

As a result of this examination three registers will be established, depending upon the experience shown, from which certification shall be made to (1) food inspector, (2) drug inspector, and (3) food and drug inspector. The practical questions will be the same for all classes.

Men only will be admitted to this examination.

The examination will consist of the subjects mentioned below, weighted as indicated:

Subjects.	Weights.
1. Practical questions .....	40
2. Spelling (twenty words of more than average difficulty) .....	3
3. Arithmetic (fundamental rules, fractions, percentage, interest, discount, and analysis).....	6
4. Penmanship (the handwriting of the competitor in the subject of letter-writing will be considered with special reference to the elements of legibility, rapidity, neatness, general appearance, etc.).....	3
5. Letter-writing (a letter of not less than 150 words on some subject of general interest. Competitors may select either of two subjects given).....	10

6. Commercial geography .....	8
7. Experience (rated on application).....	30

Total .....

The practical questions will be given on the first day, and the remaining subjects on the second day.

Competitors who fail to attain a rating of at least 70 per cent in the practical questions will not be eligible for appointment, and the remaining subjects will not be rated.

Under the subject of experience credits will be given for experience in inspection service, especially the inspection of foods and drugs, and also for any other experience which would tend to qualify competitors for the performance of the duties of food and drug inspectors.

It is expected that appointees will be assigned to different States, and they will be required to go from one place to another as the performance of their duties require. All traveling expenses while on duty will be paid by the Department.

Age limit, 20 to 45 years on the date of the examination.

This examination is open to all citizens of the United States who comply with the requirements.

This announcement contains all information which is communicated to applicants regarding the scope of the examination, the vacancy or vacancies to be filled, and the qualifications required.

Applicants should at once apply either to the United States Civil Service Commission, Washington, D. C., or to the secretary of the board of examiners at any place mentioned in the list printed hereon, for application Form 1312. No application will be accepted unless properly executed and filed with the Commission at Washington. In applying for this examination the exact title as given at the head of this announcement should be used in the application.

As examination papers are shipped direct from the Commission to the places of examination, it is necessary that applications be received in ample time to arrange for the examination desired at the place indicated by the applicant. The Commission will therefore arrange to examine any applicant whose application is received in time to permit the shipment of the necessary papers.

Issued March 26, 1909.

**DRASTIC LIQUOR LAW IN WASHINGTON STATE.**

The Legislature of the State of Washington, at its last session, amended its Criminal Code by the addition of two sections, Nos. 443 and 444. The new law was signed by the Governor and goes into effect on June 12th of this year. Steps will at once be taken, however, to test the validity of the new law. The sections referred to are as follows:

Section 443 as amended: Every person who as a principal, agent or otherwise, shall sell or offer for sale any spirituous or distilled intoxicating liquors known as whiskey, except Scotch or Irish whiskey, any part of which has not been aged for a period of four years in wooden barrels or casks, or who shall as principal, agent or otherwise, sell or offer for sale any malt liquor that has not been aged for more than sixty days or which contains more than 8 per cent alcohol by weight, shall be guilty of a gross misdemeanor.

Section 444 as amended: Every person who by mixing, compounding or distilling low or ardent spirits, or who by adding thereto any flavoring or other substance shall produce, or who shall sell or offer for sale, or have in his possession with intent to sell, any liquor known as whiskey, gin or brandy so produced, shall be guilty of a gross misdemeanor.

**GERMAN CITY ENCOURAGES FAMILY GARDENING.**

Consul-General Richard Guenther reports that to encourage gardening among the working classes the city authorities of Frankfort leased at a very low rent small tracts of land belonging to the city. Although there are about 36 acres of municipal land let out for that purpose, divided among 258 different parties and to the association for promoting gardening on a small scale. Besides this, a tract of about 4 acres of municipal land has been let for the same purpose to the employees of the city's tramways and electric works. The city will devote additional land for small gardening as the demand and utility for such will increase. These little gardens are a great source of contentment to the leaseholders and their women and children, who take much interest in working and planting therein. (This system is also in vogue in Berlin and other German cities.—B. of M.)





Courtesy Chicago Inter Ocean.

### THIS IS THE ANSWER.

The President and other statesmen in conference fail to decide on an answer to the question, 'What is whisky?' and call upon Solicitor General Bowers to solve the puzzle—News Item



### THE TRUTH ABOUT PRESERVATIVES.

Being a Report Drawn From an Address Delivered by Professor E. E. Smith, Director of Research, Red Cross Hospital, New York, Before the Central Medical Association, at Middletown, Conn., February 8th, 1909.

A great deal of nonsense has been written and published about the harm done by preservatives applied to food products, and the matter is one that will sooner or later resolve itself into a sane attitude bearing directly upon the actual facts as they are known, and not as they are represented. Experiments conducted with due care and intelligence, and based upon absolute scientific knowledge are, after all, the only safe methods of procedure, and "expert opinions" are as worthless as can be imagined, unless backed up by actual demonstration.

Professor E. E. Smith, director of research of the Red Cross Hospital in New York, and an analytical chemist and biologist, has performed a series of experiments lasting over a considerable period, and the results were given in an address before the Central Medical Association at Middletown, Conn. Professor Smith based his whole series of work upon the question that has been propounded by the Bureau of Chemistry at Washington, and answered by that same bureau in the person of its chief. The question was attuned to tomato catsup in particular, but the experiments had a definite bearing on all classes of foods. Last summer Professor Smith took some carefully selected ripe tomatoes, grown in his own garden, peeled them, cut them into pieces, and placed them in clean glass jars. These were then sterilized by being placed in boiling water for a specified time and sealed. This tomato pulp was of the highest quality and was absolutely pure.

Recently Professor Smith opened one of the jars and subjected it to careful investigation. He found no evidence of bacterial formation in the tomatoes when they were opened. On the third day, however, he discovered 8,850 bacteria in a cubic centimeter—about a quarter teaspoonful. On the fourth day there was an appreciable mold, which increased until the sixth day, when it almost covered the entire surface of the jar. The number of bacteria per cubic centimeter on this sixth day was 246,000,000.

This experiment teaches two things: First, that pure tomatoes, properly cleansed and treated by sterilization, can only be kept without preservative so long as the air is excluded; second, that when they are exposed to the air they rapidly deteriorate, owing to the growth of bacteria. In Bulletin 84, issued by the Department of Agriculture, on page 1044 it says: "The greater care which is required in the manufacture of food products without the use of benzoic acid or benzoate of soda necessitates the use of a higher quality of raw material."

Two things are stated in this extract by innuendo: First, that the use of a higher quality of raw material is necessary; second, that greater care is required in the manufacture of food products without the use of benzoate of soda. The statements are undoubtedly equivocal, but if it is intended to convey that greater care or greater value of original product will assist in keeping the product after opening, by virtue of the experiment above noted, the facts controvert any such statement absolutely. The best quality of tomatoes, prepared with the utmost care, deteriorate at once on being exposed to the air.

In order to arrive at a definite conclusion, Professor Smith purchased from his grocer two bottles of catsup prepared by two well-known firms. One of these was stated on the label to contain benzoate of soda not exceeding one-tenth of one per cent., and the other stated that no preservative had been used. Experiments over a period of six days showed no evidences of bacteria in either sample. The question at once arose in Dr. Smith's mind, "If the pure tomato pulp permits such an enormous growth of bacteria in so few days, why did not the catsup?" Admittedly, in the first case, because of the action of the preservative. It could have contained no better material than that he had put up himself, for until opened both kept perfectly. The natural conclusion was that, in spite of the announcement on the label, the second sample of catsup also contained some preservative. The pure pulp does not keep, the catsup does; therefore, a preservative has been added.

Professor Smith next undertook to determine just what the preservative consisted of, and found that acetic acid was present in large quantities. The exact amount was two and two-tenths per cent. If this had been introduced in the form of vinegar it would have necessitated the addition

of vinegar to the extent of one-half the bulk of the catsup, which would have been practically impossible, or would have necessitated such an extended boiling that the whole catsup would have been spoiled. In connection with this point Dr. Smith says:

"Another brand of 'no preservative' catsup which I examined did not contain so much acetic acid, but spices were so largely in evidence as to justify the labeling of the product 'extract of spices.' I have been at a loss to explain how so strong a combination of spices could have been prepared, but in the Journal of the American Medical Association I find an article by Dr. Herty, in which he states that this catsup is prepared and preserved by the addition of acetic acid extract of spices. In this case I am sure that the product is not to be classed as of a higher quality of raw material. Both the acetic-acid and the acetic-acid-spice methods present a very important advantage to the dishonest manufacturer, as both processes yield a product in which the quality of the raw material is concealed by the taste. High seasoning is a well-known method of concealing bad-tasting food. However, I do not state that such methods are used, but I do state that they afford an opportunity of so doing. To summarize: We find that the statement made in Bulletin 84, that greater care is necessary without the use of benzoate of soda, is contrary to fact, and the further statement that higher quality of material is necessary is also contrary to fact. Indeed, exactly the opposite is true.

"The pure food and drug law of 1906 has done much by demanding honest labeling of products. Vinegar and spices do not require statements on the label, as they are condiments. Acetic acid does, and I suggest, now that the benzoates are known to be harmless, that the authorities direct their efforts toward the labeling of products containing added acetic acid, and the rigid inspection of the raw material used, to see that it is of the proper quality."

### MR. HARRIS BOOMS HIS BUSINESS.

#### Blames Pure Food Law for the Great Increase in Cases of Ptomaine Poisoning.

To the Editor of the Brooklyn Eagle:

I note in your February 9 issue that Miss S. A. Brown was made ill by partaking of food in which poisonous ptomaines had developed. It is certainly appalling to learn how rapidly ptomaine poisoning cases have increased since the enforcement of the pure food law. According to press dispatches there have been in the United States, since the enforcement of that law, 12,752 cases of ptomaine poisoning, 433 of which were fatal.

Prior to the enactment of the pure food law, borax or boron compounds were used for meat, fish, fowl, sausages, oysters, etc. Consequently such food, which readily becomes contaminated, was kept in a hygienic, healthful condition.

The pure food law compels truthful labels on all articles, packages, or containers of food. A truthful label, however, upon meat, fish, fowl, sausages, oysters, etc., will not prevent them from spoiling, so that conditions are favorable for the propagation of poisonous germs. Thus, while the pure food law compels truthful labels, it does not, on account of prohibiting preservatives, insure that food will reach the consumer in a pure, healthful condition; neither does the label prevent perishable articles of food from deteriorating when in the consumer's hands so as to become a menace to health and life.

The authorities should realize the above facts and amend the laws so that preservatives would be permitted in all articles of food that favor the propagation of poisonous germs.

H. L. HARRIS.

100 Williams street, Manhattan, March 11, 1909.

#### FOOD-AND-MOUTH DISEASE QUARANTINE REMOVED FROM NEW YORK AND MOST OF PENNSYLVANIA.

The Secretary of Agriculture has issued an order, effective March 26, releasing from the quarantine for foot and mouth disease the entire State of New York and all of Pennsylvania except certain portions of Delaware and Lancaster counties as follows: In Delaware county, the borough of Glen Olden; in Lancaster county, the townships of East Donegal, Rapho, Penn, Warwick, West, Earl, Upper Leacock, Leacock, East Lampeter, Manheim, East Hempfield, West Hempfield, Manor, Lancaster, Pequea, West Lampeter, Strasburg, Providence, Conestoga, Martic, Drumore, and the boroughs and the city of Lancaster.



# "ICE CREAM."

By Dr. H. W. Wiley, Washington, D. C.

"Inasmuch as ice cream is prescribed frequently by physicians for invalids and convalescents, and inasmuch as it is largely eaten by children and others whose stomachs have not full vigor, a definite idea of its composition is necessary to prevent injury and abuse.

"Hence the term ice cream should be reserved solely for the frozen product consisting of pure, fresh cream, sugar, and a flavor, while appropriate names should be given to other frozen dainties in which more or less cream may enter. The use of milk, skimmed milk, and condensed milk in the manufacture of ice cream does not appear to be advisable or necessary."

It is claimed the people do not want genuine ice cream.

"If by this is meant that the people in general want an ice cream as cheap as it can be bought, then the claim may be regarded as a fact. If, on the other hand, it is meant that the consumers do not like the taste of the genuine ice cream, there seems to be no evidence whatever in the way of verification."

## LIKE REAL THING.

Experience has shown that not only do the people as a rule like genuine ice cream, but they prefer it to any kind of frozen custard which may masquerade under the name of ice cream. The claim which has been made that genuine ice cream is not wholesome also lacks any kind of evidence.

"The fact that physicians prescribe genuine ice cream for invalids is an indication that it is regarded by the medical profession as a wholesome article of diet. It is undoubtedly true that on account of its richness in butter fat, genuine ice cream is an article of diet which should be consumed in moderation, not only by the sick, but by the well.

"From the point of view of the general consumer, the genuine ice cream is to be preferred for palatability to any of its substitutes."

"In connection with the dairy supplies of the country, the question of ice cream is one of grave importance." Particularly so because under the name ice cream are found upon the market products of the widest variation in composition, varying from the true ice cream to the frozen pudding.

"It is necessary therefore to ascertain, first, what ice cream should be, and, second, to study the materials from which it is made, with a view to determining their sanitary character, and finally, to determine the composition of the article itself as it is offered in the market. Incidentally, therefore, the dairy which furnishes the milk, and the milk which furnishes the cream, are subjects of inquiry that must be carefully watched.

"The last investigation made by our department under the auspices of the committee appointed by the District Commissioners occurred in 1907, but I am able to say the condition of the ice cream problem has been improved since then. By an act of Congress the legal standard for ice cream for the District of Columbia is 20 per cent. Our results showed that almost two-thirds of the 132 samples examined complied with the national standard. Our data showed that the artificial coloring of cream is not practiced to any great extent.

## INTERESTING FACTS.

"When our tests were concluded in August, 1907, the report made public at that time contained some interesting facts in view of the contention that the standard suggested for butter fat is too high, and especially in view of the fact that 8 per cent had been suggested by many as a proper standard instead of 14 per cent for ice creams of the vanilla type, and 12 per cent of fat for ice creams of the fruit type.

"The standard, in so far as Washington is concerned, could be reached with but little variation from the usual methods of producing ice cream. What is true of Washington certainly should be true of other cities, since there is no indication that the quality of creams made in Washington is any better than that of other cities."

As compiled by the Department of Agriculture the standards of ice cream read as follows:

1. Ice cream is a frozen product made from cream and sugar, with or without a natural flavoring, and contains not less than 14 per cent of milk fat.

2. Fruit ice cream is a frozen product made from cream, sugar and sound, clean, mature fruits, and contains not less than 12 per cent of milk fat.

3. Nut ice cream is a frozen product made from cream, sugar and sound nonrancid nuts, and contains not less than 12 per cent milk fat.

## SANITARY METHODS INVOLVED.

It is upon these standards that ice cream is examined in

Washington by the Bureau of Chemistry. Owing to the fact that the local authorities have no chemical laboratory their investigations are confined to the sanitary methods involved.

Previous to the issuance of these standards by the department in 1906, full opportunity was given to the trade to discuss the tentative standards which had been proposed and upon which criticism and advice were asked.

It had become the custom for years past for the manufacturers to use gelatin and refined glue under various proprietary names to "body up" and "thicken" and adulterate for the purpose, ostensibly of improving the product, with anywhere from one and two-thirds to seven ounces of the fat from abattoirs and other unwholesome matter.

Under the new law it is also prohibitive to use eggs, corn-starch or mucilaginous bodies to keep the product firm.

There are many objections to the use of thickeners, the chief of which is that it enables an ice cream to be kept a longer period than it should be. The sooner ice cream can be consumed after it is made the better."

## THE EGG TRADE OF THE UNITED STATES.

Washington, D. C., April 7, 1909.

The Bureau of Animal Industry of the Department of Agriculture has just issued a circular by Milo M. Hastings presenting the results of a study made during the past year of the conditions surrounding the production and marketing of eggs, with a view to determining the causes of deterioration in quality and consequent loss. It appears that there is an enormous loss due to the spoiling of eggs, which could be largely prevented by improved methods, and in this article the causes of such loss are pointed out and suggestions made for remedying them.

According to Mr. Hastings, the bulk of the poultry wealth of the United States is to be found on the general farms of the Mississippi Valley. Some idea of the growth of the poultry industry on these general farms is shown in the case of the State of Kansas, where exclusive poultry farms are practically unknown, yet the value of poultry and eggs has increased over a million dollars each year for the past five years.

The total loss to the egg trade caused by needless deterioration runs into large figures. The causes of the losses and their estimated proportion to the total crop value are summed up as follows: Dirty eggs, 2 per cent; breakage, 2 per cent; chick development or heated eggs, 5 per cent; shrunk or held eggs, 5 per cent; rotten eggs, 2.5 per cent; moldy or bad flavor, 0.5 per cent; total, 17 per cent.

The loss from chick development or heated eggs is probably greater than from any other source, and is especially heavy during the summer in the South and West, where it amounts to 25 or 30 per cent of the eggs produced during the heated season. The responsibility for heated eggs is almost wholly with the farmer, although the rural buyer and the freight handler are in nowise innocent.

"To save the millions of dollars which are carried down our sewers in the shape of bad eggs," says Mr. Hastings, "we must have, first, a campaign of education among egg producers that will show every farmer's wife that when eggs are allowed to remain in damp nests, under broody hens, or in hot kitchens there is a loss in quality which means an actual loss in money to herself and to her neighbors; and secondly, a system of buying eggs that will as nearly as possible recompense every producer who sells eggs exactly in accordance with what those eggs are worth. Above all else, the infallible rule concerning the marketing of eggs is for the farmer to sell his eggs as soon as possible after they are laid."

The profits of the city retailer are by far the largest item in the marketing of eggs. An approximate idea of the profits of the various handlers of eggs may be obtained from the following figures showing the elements of cost of a dozen eggs purchased by a New York consumer:

	Cents.
Paid to the farmer in Iowa.....	15
Profit to the country store.....	0
Gross profit of the shipper.....	.75
Freight to New York.....	1.5
Gross profit to receiver.....	.5
Gross profit to jobber.....	1.25
Loss from candling.....	1.5
Gross profit of retailer.....	4.5

Cost to consumer..... 25

In the opinion of Mr. Hastings, the greatest handicap to the egg trade is the general store, with its custom of bartering merchandise for eggs. The storekeeper reckons his profit



on goods as more than his loss on eggs. He does not try to enforce improvement upon his patrons by buying on a quality basis, and with the advantage his peculiar position gives him he keeps the other egg buyers from doing so.

The circular discusses quite generally the various phases of the egg industry, and may be obtained free of charge by addressing a request to the Bureau of Animal Industry, Washington, D. C., for a copy of Circular 140.

F. I. D. 105.

Issued March 10, 1909.

## United States Department of Agriculture

OFFICE OF THE SECRETARY  
BOARD OF FOOD AND DRUG INSPECTION

### FOOD INSPECTION DECISION 105

#### THE LABELING OF CANNED SALMON AND WHITE FISH

Many inquiries have been made of the Department regarding the nomenclature commonly employed in designating canned salmon. It is stated that inferior species of salmon are frequently canned and labeled with some name which is understood by the trade to indicate the presence of fish of an inferior variety but which is not so understood by the consumer; as, for instance, "Alaska Salmon." The Department is informed by the Bureau of Fisheries that the species of salmon in the United States are as follows:

1. *Oncorhynchus nerka*. Sockeye or sockeye salmon, blue-back salmon, red salmon, redfish, or nerka salmon.
2. *Oncorhynchus tshawytscha*. Chinook salmon, king salmon, quinnat salmon, tyee salmon, or spring salmon.
3. *Oncorhynchus gorbuscha*. Humpback salmon, pink salmon, or gorbuscha salmon.
4. *Oncorhynchus kitsuch*. Coho salmon, silver salmon, or medium red.
5. *Oncorhynchus keta*. Calico salmon, keta salmon, dog salmon, or chum salmon.
6. *Salmo gairdneri*. Steelhead salmon, steelhead, hardhead, winter salmon, salmon trout, or square-tailed trout.
7. *Salmo salar*. Atlantic salmon.

Two additional species of landlocked salmon exist in certain New England and Canadian lakes. Neither of these nor the Atlantic salmon is ever canned. Considering this fact, and the further fact that many packers put up humpback and dog salmon under fancy names and thus sell them to consumers who may believe them to be of superior varieties, it is held that canned salmon should be labeled with one of the common names mentioned above as belonging to the species of fish canned.

A similar question has frequently been raised regarding whitefish. A fish designated as *Argyrosomus arctedi*, usually called lake herring or cisco, is put on the market at times as "family whitefish." The following is quoted from a communication from the Bureau of Fisheries:

"The whitefish tribe in America has numerous representatives, and at least 12 species are regularly caught for market, and others will doubtless in time acquire economic importance. Those now taken are:

"Common whitefish of Lake Ontario and Lake Erie, *Coregonus albus*; common whitefish of Lake Huron, Lake Michigan, Lake Superior, Lake of the Woods, Lake Winnipeg, etc., *Coregonus clupeiformis*; Rocky Mountain whitefish, *Coregonus williamsoni*; broad whitefish or Alaska whitefish, *Coregonus kemicotti*; Menominee whitefish or round whitefish, *Coregonus quadrilateralis*; Lake herring, or cisco, *Argyrosomus arctedi*; jumbo herring, or Erie cisco, *Argyrosomus eriensis*; Huron cisco or herring, *Argyrosomus huronius*; moon-eye, or chub, *Argyrosomus hoyi*; longjaw whitefish, or bloater, *Argyrosomus prognathus*; longjaw, of Lake Superior, *Argyrosomus zenithicus*; blackfin or bluefin whitefish, *Argyrosomus nigripinnis*; tullibee whitefish, *Argyrosomus tullibee*.

"To most of these species the name "whitefish," with a qualifying word, is strictly applicable; but there is a wide range in food value, and to permit the sale of most of them as plain "whitefish" would be unjust to the public. The Bureau does not know that this general question has come before your Board, or that you wish to consider it at this time, but sooner or later it will be necessary to render a

decision, and at any time it may be brought to your attention because of cases arising in the Washington (D. C.) market, where one of the commonest and best of the fish foods is "smoked whitefish"—consisting of any one of three or four species of *Coregonus* and *Argyrosomus*, none of them *clupeiformis* or *albus*. Under these circumstances it would appear to this Bureau to be proper and feasible to require the different kinds of preserved whitefish to be designated by their qualifying names. The most appropriate name for "family whitefish" is lake herring or cisco; but whitefish as here used would mean, or would be intended to mean, the common whitefish, the best of the tribe."

In harmony with the opinion of the Bureau of Fisheries, the Board holds that the term "whitefish" should be applied only to the common whitefishes, *Coregonus albus* and *Coregonus clupeiformis*, unless prefaced by the name of the particular species of whitefish employed. The fishes commonly known to the fishermen and the trade as "lake herring" and "cisco" should be so called, with or without qualifying names, but should not be designated "whitefish."

H. W. WILEY,  
F. L. DUNLAP,  
GEO. P. McCABE,

Board of Food and Drug Inspection.

Approved:

JAMES WILSON,  
Secretary of Agriculture.

WASHINGTON, D. C., February 17, 1909.

F. I. D. 106.

Issued March 25, 1909.

## United States Department of Agriculture

OFFICE OF THE SECRETARY  
BOARD OF FOOD AND DRUG INSPECTION

### FOOD INSPECTION DECISION 106

#### AMENDMENT TO FOOD INSPECTION DECISION 77

(A definition of the terms "Batch" and "Mixtures" as used therein.)

The definition of the term "batch" as given on page 4, lines 12 to 14 of Food Inspection Decision 77, is hereby extended to include also the contents of any one package, cask, or other container holding 500 pounds or less of dye, even though the contents of such package, cask, or container has not undergone the same treatment at the same time and the same place as a unit.

The word "mixtures" as used on page 3, line 15 from the bottom, and following, of Food Inspection Decision 77 is hereby declared to mean not only such mixtures as consist wholly of certified coal tar dyes but also those which contain one or more certified coal tar dyes (and no other coal tar dye or dyes) in combination with other components, constituents, or ingredients not coal tar dyes, which other components, constituents, or ingredients are in and of themselves or in the combination used harmless and not detrimental to health or are not prohibited for use in food products; the exact formula of such mixtures, including all of the components, constituents, or ingredients, or other parts of the mixture, together with a statement of the total weight of mixture so made, must be deposited with the Secretary of Agriculture and a one (1) pound sample thereof must be sent to the Secretary of Agriculture, but such formula need not appear on the label; in lieu of which may appear the legend "Made from certified lots Number.....and Number....., etc." and no mention need be made of any constituents other than of the certified coal tar dyes employed.

H. W. WILEY,  
F. L. DUNLAP,  
GEO. P. McCABE,

Board of Food and Drug Inspection.

Approved:

JAMES WILSON,  
Secretary of Agriculture.

Washington, D. C., March 19, 1909.



**BACTERIAL CONTAMINATION OF BREAD.**

By Mr. James Grant.

It is well known that wheats and other cereals, owing to the deep crease or furrow down the center of the ventral side, and to the hairs, (especially in the case of wheat), known as the beard, at the top of the berry, are liable to cause bacterial diseases in our food supplies. It may be objected that washing during the preparation for milling will get rid of dust and its accompanying bacteria. Unfortunately, this is not the case, as may readily be shown by washing wheats that are ready for milling and incubating the washing water. Fruits, equally with cereals, are liable to this contamination. Wines, for example, for hundreds of years have been fermented by the yeasts which adhere to the grape in the "bloom" on the outside of the fruit. Hansen, the great expert on yeasts, has proved that during the period of the year when there are no grapes, the yeasts and other micro-organisms that exist in the soil in the form of spores, which are able to endure periods of stress that kill that adult micro-organisms. Similarly in the case of barley. We have found in our work, time after time, that germs of all kinds exist on the wrinkled surface of the grain. Not many years ago we were able to isolate pure cultures of the bacillus which induces tetanus or lockjaw. During the milling process it can be seen that germs left on the surface of the berry must necessarily pass into the finished flour. Flour, then, is not germ free.

It is claimed by certain millers, who bleach their flours, that one of the chief objects is to render it sterile or nearly so. Research has shown that this claim is justified only to a very limited extent. In the year 1904 Dr. F. M. Blumenthal studied the subject very thoroughly. Two of his results, as examples, will be quoted. In an unbleached rye meal there existed no less than 2,400 micro-organisms per gramme of the meal. After bleaching there still remained 1,600 micro-organisms per gramme. With flour unbleached he found 540 organisms per grain, and with bleached flour 170. In both cases the best figures are only given. It is pretty evident, then, that milled products are not germ free; and further, those spoken of as meals, or in other words, those that contain the husk, are much more contaminated than those from which the husk has been separated, e. g., the ordinary flour.

The chief object of this paper is to give students an idea as to the best methods for undertaking a research or investigation into the cause of contamination. Since taking up the study of bread-making, between five and six years ago, a number of very interesting cases of bacterial diseases of bread have come under my observation, but the one that impressed me more deeply than others was that of a case of bread baked in special tins at a very low temperature, and known in the trade as sandwich bread. For this purpose the bread must be cooked at the lowest possible temperature, so as to form little or no crust. In this particular case of sandwich bread, after a few days' keeping, a peculiar formation, resulting in a hole, was developed in the center of the loaf and running in the direction of the length. Accompanying this development was a very unpleasant odor. All around the low flat hole the crumb had a dull, sodden appearance. The question to be settled was: What was the cause of this unpleasant formation? To one acquainted with the life history of very many of the lower forms of life, especially of vegetable life, there was little difficulty in ascribing it to filth bacteria. From the general appearance of a section of a loaf the only conclusion that could be arrived at was that the trouble was due to bacterial action, together with the products formed. Starting from these premises it became necessary to inquire into the sources of such contamination. These might be due to either (1) Dirty and unclean premises and plant, or (2) to the water used, or (3) to the yeast, or (4) to the flours, or (5) to bread improvers used (if any). It could not possibly be the salt, because salt is so strong an antiseptic that there could be no risk from this source. Numbers (1), (2) and (5) were easily eliminated. This narrowed down the work to a study of the flours and yeast. The details of the research will show the means taken to determine, if possible, the actual causes of the trouble. The work was still further narrowed down by the fact that if bacteria were at work it could only be a group capable of withstanding comparatively high temperatures. Again, a large number of expensive media were unnecessary, as bread was a suitable food for our purpose. The requisite appliances were those of an ordinary well-filled bacteriological laboratory.

Ordinary microscopic slides of the diseased bread were made

with sterile water, and these examined by microscope. This revealed the presence of moulds and minor spores, yeasts—both the ordinary cultivated and wild—and numerous bacteria. On further examination after incubation at suitable temperatures, most of the above-mentioned proved to be just the common micro-organisms existing in flours and bread. Some of the bread was then incubated at 80 degrees Fahrenheit for four days. The piece of bread was then found to be covered with a whitish-colored growth, which, later, developed into a dark yeasty color and possessed a very peculiar and strong odor. Samples of the flour and yeast used in the manufacture of the bread were treated in a similar manner. In four days the flour specimens showed the same peculiar growth which, in two days, changed to the dark fawn color possessing the same characteristic odor. The yeast, on the other hand, behaved quite normally and developed none of the strange symptoms.

The next step was to try to infect some sterile bread with this peculiar disease, if possible. To this end sterile bread was introduced into Petri dishes, moistened with sterile water, and some of the dish contents sprinkled with flour, and others with crumbs of the diseased bread. The incubation temperatures were 68 and 80 degrees Fahrenheit, respectively. At the lower temperature, as well as at the higher, the cultures were all successful, but it took several days longer in the specimens—at the lower temperature. Various other cultures were now put on, with other media and different apparatus, with a view to isolating the special cause of the disease. All specimens, and also micro-slides from these, had to be examined regularly at fixed periods, entailing, of course, an enormous amount of detail work which cannot here be set forth. Suffice it to say that ultimately by varying the media and mode of cultivation swarms of very minute and oval-shaped non-mobile bacteria, and also many rod-shaped mobile organisms, were isolated. By this time all yeasts, moulds, mucors, and other complex growing organisms had been eliminated. To ensure that all the apparatus and media were sterile, blank specimens were put on so as to be parallel with the special culture in each case.

By means of the plate (Petri dish) cultures and Bottcher moist cells, a group of minute bacteria belonging to the Termo or film species was obtained by which this particular disease could be produced at will. Moreover, prepared in this way, the bacteria which cause the disease were, and still are, very virulent. It only remained now to identify the particular species of the Termo group, but this was not an easy matter, as the members of the Termo group are exceedingly minute. The plate cultures yielded colonies which rapidly increased in size, the disease spreading over the media in all directions. It was finally identified as belonging to the Proteus division of the Termo or septic bacteria. These exist in most fertile soils, hence the research showed that the flour was produced from near the outer skin of the wheat berry, or, in other words, a low grade of flour. Further, it proves that the miller, with all his modern machinery, has not yet perfected that portion which does the cleansing or washing of the wheat. It should be remembered that the complete washing of the wheat, so as to free it from dust and micro-organisms, especially in the deep crease, and the fine hairs or beards at the top of the berry, is not at all a simple matter; but much more could be done, even if only a very dilute antiseptic was used in the final or next to the last washing water, instead of finishing with the muddy fluid as at present.

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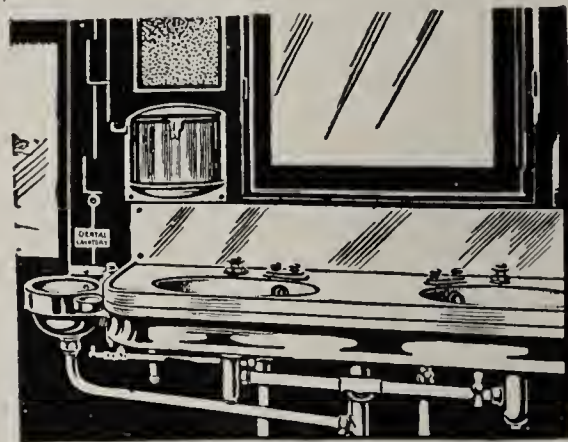
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# THE AMERICAN FOOD JOURNAL



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CHICAGO, MAY 15, 1909.

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## Synopsis of Food Laws Pending and Passed In State Legislatures.

The following tabulated and compiled list of Food Laws passed and pending in the various states will be of great value to our readers and will keep them informed on Food, Drug and Sanitary Legislation. The list is as complete as possible to be made up to the date of going to Press (May 15th.) The states are arranged in alphabetical order, the Senate Bills being Recorded first, the House Bills following. Wherever possible the number of Bill is shown, the introducer and to what committee referred, also what action if any the committee has taken. Bills passed and date of adjournment of the Legislature is also recorded. The list is to be corrected monthly until all the different Legislatures have adjourned. We will from time to time print in full all Bills passed and approved until all new Food Legislation is recorded in our columns.

**Editor's Note:** A number of Journals have copied our list as published without giving credit. The records found below are keyed and any paper copying same will be good enough to credit "The American Food Journal."

### Arizona.

The Legislature has adjourned.  
No new pure food, drug or sanitary legislation was passed.

### Alabama.

The Legislature has adjourned.  
No new pure food, drug or sanitary legislation was passed.

### Arkansas.

Legislature adjourned May 12th.  
No new pure food, drug or sanitary legislation was passed.

### California.

Legislature has adjourned, and has passed the following seven acts, which have been approved by the Governor and are now the laws of California.

SENATE BILL NO. 47.

CHAPTER 104.

An act providing for the sanitation of food producing establishments, places where food is stored, prepared, kept or manufactured in which food is distributed; regulating the health of persons by whom the materials from which food is prepared or the finished product is handled; providing for the inspection of such places, persons and things; declaring

places and things in violation of this act to be nuisances dangerous to health and providing for the abatement of the same; making violations of this act misdemeanors; and providing for the punishment of the same.

Approved March 6, 1909.

SENATE BILL NO. 51.

An act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors and regulating the traffic therein, providing penalties, establishing a state laboratory for foods, liquors and drugs and making an appropriation therefor.

Approved March 11, 1907; as amended 1909.

SENATE BILL NO. 56.

CHAPTER 324.

An act to amend section 536 of the Penal Code, relating to false statements by consignees and others.

Approved March 20, 1909.

SENATE BILL NO. 768.

CHAPTER 264.

An act to regulate the production and sale of certified milk.

Approved March 18, 1909.

SENATE BILL NO. 936.

CHAPTER 226.

An act to amend section 4 of an act entitled "An act for



preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors, and regulating the traffic therein, providing penalties, establishing a state laboratory for foods, liquors and drugs, and making an appropriation therefor," approved March 11, 1907, relating to the adulteration of food.

Approved March 13, 1909.

#### HOUSE BILL NO. 179.

An act to provide for the appointment of a bake shop inspector and deputies; to provide for their compensation and to define their powers and duties relating to the inspection of bake shops and bakeries.

#### HOUSE BILL NO. 1020.

An act to amend section two of "an act to prohibit adulteration and deception in the sale of dairy products, defining adulteration in dairy products, to establish standards of quality in dairy products and to provide for enforcing its provisions," approved March 15, 1907.

### Colorado.

The Legislature has adjourned.

No new pure food, drug or sanitary legislation was passed, except four additional inspectors and slight increase in appropriation for work.

### Connecticut.

#### HOUSE BILL NO. 54.

Relates to bake shops and the sanitation thereof.

#### HOUSE BILL NO. 84.

Relates to sanitation.

#### HOUSE BILL 93.

Relates to meat and meat food products.

#### HOUSE BILL NO. 149.

Referred to Committee on Agriculture.

Requires net weight or measure to be stated on all packages containing food.

#### HOUSE BILL NO. 495.

By Mr. Beekwith.

Relates to butter.

#### HOUSE BILL NO. 663.

By Mr. Donovan, February 11th.

Referred to Labor Committee.

Relates to bake shops.

### Florida.

#### SENATE BILL No. 108.

By Mr. Grill. April 15.

A bill is for an act to amend sections 2, 7, 10, 11, 12 and 14, of the present food law of Florida.

Section 11 authorizes the Commissioner of Agriculture and the State Chemist to fix standards of purity for food products.

The following amendments have been made to the above bill:

1. In section 7, before the word "sold," insert the words "or if not of a poisonous or deleterious character may be."

2. In section 7, after the words "in the order direct," add the words "which order shall guard against any further violations of this act by such sale or other disposition."

3. In section 11, insert the word "United" after the word "United."

4. In section 11, insert the word "be" after the words "defined to."

#### SENATE BILL No. 120.

By Mr. Henderson.

This bill provides that the State Chemist and each of the Assistant State Chemists, shall be Inspectors of Foods, Drugs, Commercial Feeding Stuffs, and to provide for their expenses.

### Idaho.

The Legislature of Idaho adjourned March 5th, and passed the following bills and are now laws.

#### HOUSE BILL NO. 98.

By Mr. Shaw.

An act to amend Chapter 21 of Title 8 of the political code, revised codes of Idaho, by adding thereto Sections 1400a,

1400b, 1400c and 1400d, providing against the evils resulting from the traffic in certain narcotic drugs, regulating the sale thereof, and prescribing punishments for violation of those provisions.

#### HOUSE BILL NO. 171.

By Committee on Public Health.

An act relating to the preservation of the public health, prescribing certain duties for the state and local boards of health; providing for the establishment of bacteriological stations, and the appointment of bacteriologists; providing for the appointment of a county physician and the membership of county boards of health; amending Sections 1081, 1091, 1095, 1098 and 1099 of the political code, revised codes of Idaho; adding to Chapter 1 of Title 8 of the said political code, two sections to be known as sections 1097A and 1097B; repealing Sections 1109, 1110, 1111, 1112 and 1113 comprising Chapter 2 of Title 8 of said political code and declaring an emergency.

#### HOUSE BILL NO. 172.

By Committee on Public Health.

An act to amend Chapter 3 of Title 8 of the political code, revised codes of Idaho, relating to dairy, food and oil inspection, so as to abolish the Board of Dairy, Food and Oil Commissioners and transfer the duties imposed on said Board to the State Board of Health; to abolish the office of Dairy, Food and Oil Commissioner and to substitute therefor the office of Dairy, Food and Sanitary Inspector; providing for the appointment and prescribing the duties of a State Chemist; and specifically amending Sections 1114, 1115, 1116, 1118, 1119, 1121, 1122, 1123, 1133, 1145, 1146, 1147, 1149, 1150 and 1152, and repealing Sections 1117, 1120 and 1148 of said Chapter 3, Title 8 of the political code of the revised codes of Idaho; so as to accomplish the purposes above specified, and declaring an emergency.

### Illinois.

The Legislature of Illinois, will probably adjourn, Saturday, May 29, 1909. We are of the opinion, from close observation, that there will be no new Food, Drug, Dairy or Sanitary or net weight legislation passed at this session of the Legislature, with the possible exception of an amendment to the Illinois Food Law with reference to the standards on condensed and evaporated milk.

#### SENATE BILL NO. 35.

By Mr. Bailey, January 21, 1909.

Referred to Committee on Live Stock and Dairy.

For an act to regulate the sale of poultry.

#### SENATE BILL NO. 319.

By Mr. Olson, March 25, 1909.

Referred to Committee on Manufactures.

For an act to prevent the adulteration of linseed oil or flaxseed oil and to prevent fraud in the sale thereof, and in the sale of compounds thereof, and to repeal all acts in conflict herewith.

#### SENATE BILL NO. 342.

By Mr. Dailey, by request, March 30, 1909.

Referred to Committee on Manufactures.

For an act regulating the sale and manufacture of linseed oil.

#### SENATE BILL NO. 372.

By Mr. Stewart, April 1, 1909.

Referred to Committee on Manufactures.

For an act to prevent the preparation, manufacture, packing, storing or distributing of food intended for sale, or sale of food, under insanitary, unhealthful or unclean conditions or surroundings, for the appointment of inspectors, to create a sanitary inspection and to provide penalties for the violation thereof.

#### SENATE BILL NO. 389.

By Mr. Hurburgh, April 7, 1909.

Referred to Committee on Judiciary.

For an act to revise the law in relation to weights and measures, and to repeal a certain act therein named.

#### SENATE BILL NO. 390.

By Mr. Hurburgh, April 7, 1909.

Referred to Committee on Municipalities.

An act that the city council in cities, and the president and board of trustees in villages and incorporated towns, shall have power to require all grain, flour, meal, hay, feed, seeds, fruits, nuts, vegetables and non-liquid vegetable products, meats and non-liquid animal products, fish, butter, cheese and other similar dairy products, dry groceries and all other



similar articles of merchandise, or any particular class or classes of such merchandise, in the absence of a contract or agreement in writing to the contrary, to be sold by standard avoirdupois weight or by numerical count.

## SENATE BILL NO. 391.

By Mr. Hurburgh, April 7, 1909.

Referred to Committee on Manufactures.

For an act requiring commodities and merchandise sold, offered or exposed for sale, by the package, container or parcel to have marked on such package, container or parcel the net weight, the net measure or the number of the articles contained therein, fixing a penalty for violation of the same, providing certain defenses to prosecutions for violations thereof and repealing all acts contrary to or inconsistent with said act.

## SENATE BILL No. 429.

This bill is for an act to regulate the registration and sale of condimental, patented or trade-marked stock or poultry food tonics, regulators or conditioners.

## SENATE BILL No. 442.

By Senator Potter.

This bill amends section 39, of the Illinois Food Law, by striking out of the law the paragraph relating to *Condensed and Evaporated Milk*.

This bill has been recommended for passage by the Committee on Manufacturers.

## HOUSE BILL No. 287.

By Mr. Richter.

This bill is for an act to provide for the licensing, regulation and inspection of cold storage warehouses and regulating the sale of articles of food stuffs stored therein or in any cold storage warehouse.

## HOUSE BILL NO. 348.

By Mr. Abrahams, March 23, 1909.

Referred to Committee on Manufactures.

For an act to prevent fraud in the sale of white lead, paint or compounds intended for use as such.

## HOUSE BILL NO. 370.

By Mr. Burgett, March 24, 1909.

Referred to Committee on Live Stock and Dairying.

For an act to provide for the inspection and licensing of all slaughtering, meat packing or rendering plant or plants or similar establishments in which cattle, sheep, swine or poultry are slaughtered to be done under and by authority of the Board of Live Stock Commissioners of the State of Illinois.

## HOUSE BILL NO. 391.

By Mr. ApMadoc, by request, March 25, 1909.

Referred to Committee on Manufactures.

For an act to prevent the adulteration of linseed oil or flaxseed oil and to prevent fraud in the sale thereof, and in the sale of compounds thereof, and to repeal all acts in conflict herewith.

## HOUSE BILL NO. 445.

By Mr. Galligan, March 31, 1909.

Referred to Committee on Manufactures.

For an act to protect the public from imposition in relation to canned and preserved food and other articles of food.

## HOUSE BILL NO. 466.

By Mr. Stearns, March 31, 1909.

Referred to Committee on Manufactures.

For an act providing for the licensing, regulation and inspection of cold storage warehouses and regulating the sale of articles of food stuff stored therein.

## HOUSE BILL NO. 468.

By Mr. Walsh, March 31, 1909.

Referred to Committee on Manufactures.

For an act to prohibit the use of coloring matter in the manufacture of sausage.

## HOUSE BILL NO. 477.

By Mr. Adkins, April 1, 1909.

Ordered to lie on the Speaker's table.

For an act to prevent creating a monopoly in the business of buying milk, cream or butter fat for the purpose of manufacture or buying poultry, eggs or grain for the purpose of sale or storage.

## HOUSE BILL NO. 493.

By Mr. Geshkewich, April 1, 1909.

Referred to Committee on Manufactures.

For an act providing for the licensing, regulation and in-

spection of cold storage warehouses and regulating the sale of articles of food stuff stored therein.

## HOUSE BILL NO. 506.

By Mr. Kowalski, April 1, 1909.

Referred to Committee on Manufactures.

For an act to protect the public from imposition in relation to canned and preserved food and other articles of food.

## HOUSE BILL NO. 515.

By Mr. McConnell, April 1, 1909.

Referred to Committee on Manufactures.

For an act to promote the public health by restricting and regulating the sale of foods containing chemical preservatives.

## HOUSE BILL NO. 521.

By Mr. Pierson, April 1, 1909.

Referred to Committee on Manufactures.

For an act to prevent the preparation, manufacture, packing, storing or distributing of food intended for sale, or sale of food, under insanitary, unhealthful or unclean conditions or surroundings, for the appointment of inspectors, to create a sanitary inspection and to provide penalties for the violation thereof.

## HOUSE BILL NO. 525.

By Mr. Stearns, April 1, 1909.

Referred to Committee on Manufactures.

For an act to regulate and prohibit the misbranding or the non-branding of food products other than hermetically sealed canned goods.

## HOUSE BILL NO. 544.

By Mr. Nelson, April 2nd, 1909.

Referred to Committee on Municipal Corporations.

For an act to extend the powers of the city council in cities and the president and board of trustees in villages and incorporated towns.

This is a duplicate of Senate Bill No. 390.

## HOUSE BILL NO. 545.

By Mr. Nelson, April 2, 1909.

Referred to Committee on Manufactures.

For an act to revise the law in relation to weights and measures, and to repeal a certain act therein named.

## HOUSE BILL NO. 546.

By Mr. Nelson, April 2, 1909.

Referred to Committee on Manufactures.

For an act requiring commodities and merchandise sold, offered or exposed for sale, by the package, container or parcel to have marked on such package, container or parcel the net weight, the net measure or the number of the articles contained therein, fixing a penalty for violation of the same, providing certain defenses to prosecutions for violations thereof and repealing all acts contrary to or inconsistent with said act.

**Indiana.**

The Legislature of Indiana has adjourned and passed the following three laws relating to Food Stuffs:

## ENGROSSED H. B. 44

This bill passed both houses, and has been signed by the Governor, and has become a law.

## HOUSE BILL NO. 308.

By Mr. White.

Referred to Committee on Sanitation.

Is a sanitary regulation and will affect particularly those maintaining establishments for the manufacture of food in Indiana.

This bill has passed both houses and has been signed by the Governor and is now a law, and was printed in the March issue of this journal.

## H. B. 345.

Has passed both Houses, signed by the Governor and is now the law of the State.

**Iowa.**

The Legislature adjourned April 10.

The only new pure food, drug or sanitary legislation adopted is the following which is a standard for oysters:

## HOUSE FILE NO. 321.

By Mr. Hanson.

A bill for an act to amend the law as it appears in Section Four Thousand Nine Hundred and Ninety-Nine-a Thirty-One



(4999-a 31) of the supplement to the code Nineteen Hundred and Seven (1907) relating to food standards.

Be it Enacted by the General Assembly of the State of Iowa:

Section 1. That section Four Thousand Nine Hundred and Ninety-Nine-a Thirty-one (4999-a 31) be amended by adding thereto the following: "Oysters shall not contain ice, nor more than sixteen and two-thirds (16 2-3) per cent by weight of free liquid."

#### Kansas.

Legislature adjourned March 10th, and passed the following Pure Food, Drug and Weight and Measure Bills, and were published in The American Food Journal of April.

SENATE BILL NO. 134.

SENATE BILL NO. 135.

#### Maine.

The Legislature has adjourned.

The General Food and Drug Law remains unchanged, there were some changes and modifications in the Dairy Laws. There is no general sanitary law in the state.

#### Massachusetts

SENATE BILL NO. 92.

Relates to dairy products and has been recommended for passage.

HOUSE BILL NO. 200.

Referred to Committee on Health.

This bill codifies the laws relating to Foods and Drugs.

HOUSE BILL NO. 743.

Jan. 26, 1909.

Relates to dairy products.

HOUSE BILL NO. 744.

Jan. 26, 1909.

Relates to dairy products.

HOUSE BILL NO. 865.

Relates to the sanitation of food producing establishments.

HOUSE BILL NO. 1036.

By Mr. Bailey.

Establishes a standard for vinegar.

HOUSE BILL NO. 1036.

Jan. 27, 1909.

Relates to the sale of vinegar.

HOUSE BILL NO. 1017.

Jan. 27, 1909.

Relates to dairy products.

HOUSE BILL NO. 140.

By Mr. Snell.

March 2d.

Referred to Committee on Public Health.

Regulates the manufacture and sale of Ice Cream.

It fixes a standard at 12% of butter fat instead of 8%.

It requires percentage of gelatine or vegetable gums used to be stated on the label.

It requires manufacturers of Ice Cream to take out a license each year and pay a fee of five dollars for same.

It requires any dispenser of Ice Cream containing gelatine or vegetable gum to display a placard reading "We use Ice Cream Containing Gelatine."

HOUSE BILL NO. 1213.

Relates to the inspection of vinegar.

HOUSE BILL NO. 1215.

Jan. 28, 1909.

Relates to the sale of vinegar and will affect corn sugar vinegar.

#### Michigan.

SENATE BILL NO. 140.

By Mr. Snell.

March 2d.

Amends the present Food Law as follows:

"1. By inserting in line 4 of Section 1, after the word 'contain' the words 'other than.'

"2. By striking out of line 6 of Section 8, the words 'one inch' and inserting in lieu thereof the words 'three fourths of an inch.'

"3. By inserting in line 9 of Section 7 after the word 'thereafter' the words 'the money so collected by the Dairy and Food Commissioner shall be paid into the State treasury

and be used to help defray the expenses of the office of Dairy and Food Commissioner in addition to the annual appropriation."

The above bill has passed the Senate and is in the House Committee on State Affairs.

SENATE BILL NO. 139.

By Mr. Snell.

March 2d.

Referred to Committee on Public Health.

Relates to cold storage eggs, butter and game.

HOUSE BILL NO. 283.

By Mr. Straight.

This bill establishes uniform weights and measures of the various products of cereals in barrels and provides for labeling weights.

The above bill has been recommended for passage with the following amendments:

Section 2. Strike out "Amount" (the 12th word from the end of the Section) and substitute "weight."

Section 5. After the last word of this section insert: "Provided, further, that a variation in weight of three per cent shall be allowed for evaporation or leakage."

#### Minnesota

The Legislature adjourned April 23rd and passed the following new and amended laws relating to Dairy Products, Foods and Drugs and Sanitation:

CHAPTER 353—H. F. No. 1017.

An act regulating the labelling of the products of pasteurized milk and cream.

CHAPTER 428—S. F. No. 231.

An act to amend sections 1735, 1739, 1740, 1741, 1743, 1744 and 1756 of the Revised Laws of 1905, and the several acts amendatory thereof, relating to the dairy and food department.

CHAPTER 468—H. F. No. 511.

An act to prevent unlawful discrimination in the sale of milk, cream, butter-fat and to provide a punishment for the same.

CHAPTER 337—S. F. No. 619.

An act to amend Chapter 455 of the general of the year 1907 entitled "an act to provide for the inspection of canneries, publishing reports of safe and establishing a grade for canned fruits and vegetables."

CHAPTER 498—H. F. No. 388.

An act providing for the licensing of operators of testing apparatus and prescribing a penalty for its violation.

#### Missouri.

The Missouri Legislature has adjourned and passed the following Dairy, Food and Sanitary Laws:

SENATE BILL No. 261.

An act to provide for the appointment of dairy instructors by the State Board of Agriculture and to define their duties.

SENATE BILL No. 565.

An act establishing standards for dairy products prohibiting the sale of said products when adulterated, prescribing penalties for the violation of the provisions of this act and repealing all laws and parts of laws in conflict or inconsistent herewith.

HOUSE BILL No. 734.

An act regulating the production, storing and vending of milk and the care and feeding of cows, the sanitation of stables and yards where milch cows are kept, the care and sanitation of vehicles used for the transportation of milk defining what is adulterated and what impure milk and fixing penalties for violations thereof.

HOUSE BILL No. 735.

An act to amend article 5, chapter \*7, Revised Statutes of Missouri by adding thereto two new sections to be known as sections 4749a and 4749b and by striking out from section 4751 of such article 5, chapter 67, in the first line thereof the words, "the state board of agriculture" and adding in place thereof, the words, "The State Food Commissioners."

HOUSE BILL No. 751.

An act to create a bureau of dairying, and placing the same under the control of the State Board of Agriculture; to provide the appointment of the chief thereof, and defining his



terms of office and his duties and powers; defining what shall be known as public creameries public dairies, butter and cheese factories and milk depots; fixing a standard for milk measures, test tubes, providing penalties for the use of false measures or milk testing machine, adopting United States standards of purity, and definition of dairy products; prohibiting the sale of adulterated or impure milk, and fixing penalties for the same; fixing penalties for interfering or obstructing the commissioner in the performance of his duties and repealing all conflicting acts or parts of acts.

#### HOUSE BILL NO. 775.

An act to amend article 5, chapter 67, Revised Statutes of Missouri 1899, entitled "Imitation Butter" by adding thereto two new sections to be known as sections 4747a and 4747b.

#### Montana.

The Legislature has adjourned without passing any new food laws.

#### Nebraska.

The Legislature has adjourned.

#### SENATE BILL NO. 140.

By Mr. Randall.

Is a Sanitation Bill, and has passed and signed by the Governor.

#### HOUSE BILL NO. 90.

By J. F. Carr.

Relates to duties of Commission Merchants. Passed both houses and signed by the Governor.

#### HOUSE BILL NO. 188.

By Mr. Leigh, Jan. 26, 1909.

Referred to Committee on Miscellaneous Subjects.

Is a bill to regulate the sale of vinegar and makes standards for same.

This bill has passed the House and the Senate.

#### HOUSE BILL NO. 486.

By Mr. Smith.

Committee on Miscellaneous Subjects.

"This bill, as finally amended and passed, is as follows: Amendment to section 9825 of Cobby's annotated statutes for 1907 relating to branding the net weight on certain kinds of packages of foods and drugs and providing that bleached flour may be sold without being deemed adulterated within the meaning of the act. The provision compels the branding of both net weight and contents on packages of dairy products, lard, cottolene, or any other substance used in the place of lard, wheat products, oats products, corn products, prepared and unprepared, sugar, syrup, molasses, tea, coffee and dried fruit, and exempting meats, preserved fruits and a few other things from the provisions. Then the provision is added regarding the legality of the sale of bleached flour within the state."

#### Nevada.

#### SENATE SUBSTITUTE FOR ASSEMBLY BILL NO. 48.

The Legislature of Nevada has adjourned and has passed the above bill, and will be printed in full in a subsequent issue of THE AMERICAN FOOD JOURNAL.

#### New Hampshire.

#### HOUSE BILL NO. 107.

By Mr. Osgood.

Referred to Committee on Public Health.

Relates to dairy products.

The Committee has reported that it is inexpedient to legislate on above bill.

#### HOUSE BILL NO. 109.

By Mr. H. E. Dunnington.

Referred to Committee on Public Health.

Relates to dairy products.

#### HOUSE BILL NO. 110.

By Mr. Dunnington.

Referred to Committee on Public Health.

Is a bill to amend Section 1 of the present Ice Cream Law of New Hampshire, so as to read as follows:

"No person shall manufacture for sale, keep for sale, sell,

exchange, barter or deal in Ice Cream which shall contain any substance other than milk, cream, eggs, sugar, some natural flavoring and not more than one-tenth of one per cent of filler, or which shall contain less than 14 per cent butter fat."

This excludes gelatine.

This bill has passed the House and the Senate with an amendment allowing 1/5 of 1% of filler instead of 1/10 of 1% as originally provided by this bill.

#### HOUSE BILL NO. 236.

By Mr. Cross.

Referred to Committee on Public Health.

Is a bill to establish standards for foods for the state of New Hampshire.

It fixes a standard for the following items:

Lard, Milk, Milk Fat, Butter, Cream, Cheese, Flour, Gluten Flour, Corn Meal, Oatmeal, Rye Flour, Buckwheat Flour, Preserves and Jam, Jelly.

Prohibits Coal Tar Color and Saccharin in Jellies, Jams and Pickles.

Prohibits coal tar color and saccharin in Pickles, Sweet Pickles and Catsup.

Establishes standards for:

Sugar Syrup, Maple Syrup, Honey, Allspice, Pimento, Cayenne Pepper, Paprika, Ground Cinnamon, Cloves, Ginger, Lined Ginger, Mace, Ground Mustard, Prepared Mustard, French Mustard, Nutmeg, Pepper, Black Pepper, Flavoring Extracts, White Pepper, Almond Extract, Anise Extract, Celery Seed Extract, Cassia Extract, Cinnamon Extract, Clove Extract, Ginger Extract, Lemon Extract, Oil of Lemon, Nutmeg Extract, Peppermint Extract, Rose Extract, Savory Extract, Spearmint Extract, Sweet Basil Extract, Sweet Marjoram Extract, Thyme Extract, Tonka Extract, Vanilla Extract, Wintergreen Extract, Olive Oil, Cottonseed Oil, Tea, Chocolate, Coffee, Sweet Chocolate, Cocoa, Sweet Cocoa, Apple Juice, Sweet Cider, Wine, Dry Wine, Fortified Wine, Sweet Wine, Sparkling Wine, Modified Wine, Malt Liquor, Beer, Lager Beer, Malt Beer, Ale, Porter, Distilled Spirit, Alcohol, New Whisky, Whisky, Rye Whisky, Bourbon Whisky, Corn Whisky, Blended Whisky, Scotch Whisky, Irish Whisky, New Rum, Rum, New Brandy, Brandy, Cognac, Vinegar, Cider Vinegar, Wine Vinegar, Malt Vinegar, Sugar Vinegar, Glucose Vinegar, Spirit Vinegar, Table Salt, Celery Salt, Baking Powder, Sausage, Mince meat.

This bill has been indefinitely postponed by the Committee.

#### HOUSE BILL NO. 237.

By Mr. Cross.

Referred to Committee on Public Health.

Relates to the proper sanitation of places where food or food products are manufactured. It affects only places in New Hampshire. This bill has been killed in the Senate.

#### HOUSE BILL NO. 392.

By Mr. Keenan.

Referred to Committee on Judiciary.

Is a bill to prevent the refilling of bottles without the consent of the owner of such bottles. This bill has been killed.

#### HOUSE BILL NO. 520.

By Committee on Public Health.

Amends Food and Drug Law of 1907 relating to penalty for violation of said law, and has become a law.

#### HOUSE BILL NO. 521.

Gives an inspector power to examine food products for the purpose of detecting adulteration, and has passed the House.

#### New Jersey.

The Legislature adjourned April 16.

#### SENATE BILL NO. 39.

By Mr. Freylinghuysen, Jan. 25, 1909.

Referred to Committee on Public Health.

Relates to dairy products. This bill has passed both Houses.

#### SENATE BILL NO. 142.

By Mr. Brown.

Referred to Committee on Public Health.

It is a sanitary regulation affecting those maintaining establishments in New Jersey and has passed both houses.

#### New Mexico.

The Territorial Legislature has adjourned and passed no new pure food laws.



**New York.**

The Legislature adjourned May 3.

**SENATE BILL NO. 1.**

By Mr. Davis, Jan. 13, 1909.

Referred to Committee on Judiciary.

Is an act to consolidate the Agricultural Laws of New York.

**SENATE BILL NO. 81.**

By Mr. Cobb, Jan. 8, 1909.

Referred to Committee on Codes.

Is a bill to amend sections 580 and 581 of the penal code of New York as follows:

"580. Using false weights, measures, etc.—A person who, by himself or by his servant or agent, or as the servant or agent of another, uses a weight, measure, or other apparatus that is false or that has not been sealed by a sealer of weights and measures within one year, for determining the quantity of any commodity, or articles of merchandise, or sells or exposes for sale less than the quantity he represents, or sells or offers for sale any commodity or article of merchandise in a manner contrary to law, is guilty of a misdemeanor.

"581. Keeping false weights—A person retains in his possession any weight, measure, or other apparatus that is false, or unsealed, unless it appears beyond a reasonable doubt that it was so retained without intent to use it, or permit it to be used in violation of the last section, is guilty of a misdemeanor." This bill has passed the Senate.

**SENATE BILL NO. 82.**

By Mr. Cobb, Jan. 6, 1909.

Referred to the Committee on Judiciary.

Is an act to amend the domestic commerce law of New York (Chap. 376, Laws of 1896) so as to read as follows:

"15-b. Any commodity of consumption for man or beast put up or sold or intended to be sold with a container shall have the net contents in terms of weight, numerical count, or measure plainly marked, branded or otherwise affixed on the outside of the container, in characters at least one-eighth of an inch in height.

"This act shall take effect on October one, nineteen hundred and nine."

This measure would require every manufacturer doing business in New York State to weigh, measure or count all his products.

All liquids would have to be measured and the measure stated on the container; all articles sold by weight would have to be weighed into the containers and the net weight stated on the container; all articles sold by count would have to be counted and the exact count put on each package.

No allowance is made for shrinkage.

The variation in bottles is not considered.

The fact that packages may average correctly is not considered.

**SENATE BILL NO. 83.**

By Mr. Cobb, Jan. 6, 1909.

Referred to Committee on Judiciary.

Is a bill to require all ice, coal, coke, butter, lard, meats and meat products (except offal, head and plucks) poultry, or wild game to be sold by standard weight.

And all fruit and farm produce to be sold by standard weight or numerical count.

And all milk or cream that shall be sold in bottles to be sold only in bottles of legalized standard liquid measure.

And all other dry commodities for consumption to be sold by standard weight, standard dry measure, or numerical count.

And all other liquid commodities for consumption to be sold only by standard weight or standard liquid measure.

**SENATE BILL NO. 379.**

By Mr. Platt, Feb. 15.

Referred to Committee on Judiciary.

Amends the general law of New York in relation to standard measures and regulating the manufacture of containers.

It requires that fruit shall be sold by weight or dry measure and is companion bill of House Bill No. 596.

**SENATE INT. 511.**

Referred to Committee on Public Health.

Repeals Sections 40 and 44 and Section 50 of the Public Health Laws which relate to adulteration. It is the same as House Int. 823.

**SENATE BILL NO. 691.**

By Mr. Platt.

Committee on Agriculture.

This bill relates to dairy products.

**SENATE BILL NO. 693.**

By Mr. Platt.

Referred to Committee on Agriculture.

This bill relates to vinegar.

**HOUSE BILL NO. 31.**

By Mr. Phillips, Jan. 13, 1909.

Referred to Committee on Judiciary.

Is a bill to consolidate the liquor traffic laws of New York.

**HOUSE BILL NO. 42.**

By Mr. Phillips, Jan. 13, 1909.

Referred to Committee on Judiciary.

Is a bill to consolidate the laws relating to the public health. Does not attempt to create any new law, but simply consolidates laws already existing.

**HOUSE BILL NO. 96.**

By Mr. Filley.

Referred to Committee on Codes.

Bill relates to weights and measures and is same as Senate Bill No. 81.

**HOUSE BILL NO. 138.**

By Mr. Filley, Jan. 14, 1909.

Referred to Committee on General Laws.

This bill is a copy of Senate Bill No. 83.

Requires net weight, measure or count to be stated.

**HOUSE BILL NO. 139.**

By Mr. Filley, Jan. 14, 1909.

Referred to Committee on General Laws.

Requires all commodities to be sold by weight, measure or count, and is same as Senate Bill No. 82.

**HOUSE BILL NO. 457.**

By Mr. Cuvillier.

Referred to Committee on Public Health.

Is a general food, drink and drug law.

It follows the National Food Law closely.

Section 10 of this bill, which is the same as Section 10 of the National Food Law, provides for the seizure of goods.

**HOUSE INT. 823.**

By Mr. Wood, March 2.

Referred to Committee on Public Health.

A bill to repeal Sections 40 to 44 and Section 50 of Chapter 49 of the laws of 1909 entitled "An Act in Relation to the Public Health Constituting Chapter 45 of the Consolidated Laws. This bill has passed the House and Senate.

**NEW YORK HOUSE BILL INT. 990.**

By Mr. Young.

This bill declares the units or standards of measures of capacity for liquids and the unit or standard of capacity for substances not liquids.

It also provides that all manufacturers of small fruit packages, such as quarts, pints and half-pints, shall mark the word "short" on any package that is a short size. This bill has passed the Assembly and the Senate.

**HOUSE BILL NO. 1175.**

By Mr. Boshart.

Referred to Committee on Agriculture.

This bill relates to vinegar.

**HOUSE BILL NO. 1176.**

By Mr. Boshart.

Referred to Committee on Agriculture.

This bill relates to dairy products.

**HOUSE INT. 1283.**

By Mr. McCue.

Referred to Committee on Labor and Industries.

This bill amends the laws of 1909 by adding a new section providing for the medical examinations of employees of bakeries.

**North Carolina.**

The North Carolina Legislature adjourned and passed the following amendment to the food law:

**SENATE BILL NO. 1859.**

This bill reads as follows:

"The General Assembly of North Carolina do enact:

"Sec. 1. That Chapter 368 of the Public Laws of 1907 be and the same is hereby amended as follows: After the word 'colored' and before the word 'powdered' in line one, subsection four, section six, the word 'bleached.'

"Sec. 2. At the end of section 6 insert the following: 'Eighth. By consent of the Board the Commissioner of Agriculture may when he deems it advisable and to the best interest of the public suspend the action of any provision of subsection 5, section 6 of said act, relating to the use of chemical preservatives and coal tar dyes in food when the



provision of said section is not in harmony with the provisions of the National Food Law or rulings thereunder."

"Sec. 3. This act shall be in force from and after its ratification."

The above bill passed both Houses and is now a law. It is the same as H. B. 1755.

#### North Dakota.

The Legislature adjourned March 10th, and passed the three (3) following Food, Dairy, Drug, Liquor and Sanitary Bills:

SENATE BILL NO. 67.

By Mr. Kennedy.

SENATE BILL NO. 107.

By Mr. Kennedy.

HOUSE BILL NO. 307.

By Mr. Duncan.

#### Ohio.

The Legislature of Ohio adjourned March 12 and passed the two following Food Laws:

SENATE BILL NO. 112.

HOUSE BILL NO. 15.

Both of these laws were printed in the March issue of THE AMERICAN FOOD JOURNAL.

#### Oklahoma.

The Oklahoma Legislature adjourned March 13, and passed the following Bill:

HOUSE BILL NO. 404.

By Mr. Stafford.

It is a general food, drink and drug bill and has become a law, and will be published in full in a subsequent issue of this Journal.

#### Oregon.

The Oregon Legislature adjourned sine die March 1st, and passed the following new Dairy Law:

CHAPTER 237, LAWS OF 1909.

(S. B. 26.)

An act to provide measures for improving the quality of milk, cream, butter, and cheese, and for all dairy products of Oregon, and to provide for the employment of deputies qualified to inspect dairies, creameries and cheese factories, and to collect and disseminate valuable dairy information, and to form cow testing associations, and to provide a penalty for its violation.

#### Pennsylvania.

SENATE BILL NO. 3.

By Mr. Gerberick, Jan. 25, 1909.

The legislature adjourned April 15th, and passed the following laws:

S. F. No. 37.

*The Murphy Food Act.* This bill was signed by Governor Stuart on May 13th and is now the law of the state of Pennsylvania and is reproduced in full in another part of this issue.

The following acts have been passed, signed by the governor and are now the laws of the State of Pennsylvania:

No. 9.

An act for the protection of the public health, by prohibiting the sale, offering for sale, exposing for sale, or having in possession with intent to sell, of eggs unfit for food, as therein defined, and prohibiting the use of such eggs in the preparation of food products; providing penalties for the violation thereof, and providing for the enforcement thereof.

No. 10.

An act relating to non-alcoholic drinks; defining the same; and prohibiting the manufacture, sale, offering for sale, exposing for sale, or having in possession with intent to sell, of any adulterated or misbranded non-alcoholic drinks; and providing penalties for the violation thereof, and providing for the enforcement thereof.

No. 11.

An act to protect the public health, and prevent fraud and deception in the manufacture or sale of lard, lard substitutes, imitation lard, and lard compounds; providing penal-

ties for the violation thereof, and providing for the enforcement thereof.

No. 37.

An act relating to milk; providing for the protection of the public health, and the prevention of fraud and deception, by regulating the sale of milk, skimmed milk, and cream; providing penalties for the violation thereof, and providing for the enforcement thereof.

No. 38.

An act for the protection of the public health; and to prevent fraud and deception in the manufacture, sale, offering for sale, exposing for sale, and having in possession with intent to sell, of adulterated or deleterious ice-cream; fixing a standard of butter-fat for ice-cream; providing penalties for the violation thereof, and providing for the enforcement thereof.

#### Rhode Island.

SENATE BILL NO. 75.

By Mr. Bowen.

This bill relates to bakeries, confectioneries, ice cream manufactories, and persons employed therein and the appointment of an inspector therefor.

It is a sanitary measure.

SENATE BILL NO. 109.

By Mr. Martin.

Referred to Committee on Judiciary.

This bill amends the present food law.

#### South Carolina.

The Legislature of South Carolina adjourned, March 5, and passed an act to further protect the public health and the health of domestic animals by providing for the inspection of live stock imported into the State.

#### South Dakota.

The South Dakota Legislature adjourned March 6th, and passed the following four (4) Pure Food, Drug and Dairy Bills, and are now the Laws of the State and will be published in full in a subsequent issue of this journal.

CHAPTER 163.

SENATE BILL NO. 314.

An act entitled, an act to prevent the manufacture, sale, keeping for sale or transportation of adulterated or misbranded, poisonous or deleterious foods, dairy products or liquors; for regulating traffic therein; providing for its enforcement and prescribing penalties for the violation thereof.

CHAPTER 206.

SENATE BILL NO. 323.

An act to authorize the consolidation of funds and items heretofore appropriated for the Food and Dairy Commissioner's Office for a term ending July first, 1909, and to authorize the payment of salaries, expenses and maintenance of said office out of any of the money heretofore appropriated for that purpose.

CHAPTER 180.

HOUSE BILL NO. 2.

An act to prevent the manufacture or sale of adulterated or misbranded drugs, providing for penalties for its violation and providing for its enforcement.

CHAPTER 296.

HOUSE BILL NO. 388.

An act to provide for a State Dairy Expert; to prevent the adulteration of milk, cream and dairy products, to regulate the manufacture and sale of dairy products, and for other purposes.

#### Tennessee.

The Legislature adjourned May 1.

HOUSE BILL No. 785.

By Mr. Lenoir.

This bill is for an act to require all soft drink dispensing places to pay a license.

It also requires all soft drinks to contain less than one-half of one per cent of alcohol.

It also provides that the per cent of alcohol be stated on all bottled goods.

It also provides that all places where soft drinks are sold



shall be open to public view and that all screens and obstructions be removed.

#### HOUSE BILL No. 947.

By Mr. Chestnut.

This bill amends the law of April 9, 1907, in regard to pure food by striking out the section making it illegal to use burned sugar or other coloring used in the manufacture of vinegar or cider. It substitutes the wording of the National Food Law in this respect.

#### SENATE BILL No. 292.

This bill amends the present food and drugs law of Tennessee, has passed both branches of the Assembly and has been signed by the governor.

#### Texas.

The Texas Legislature has adjourned and passed the following bill:

#### HOUSE BILL No. 28.

An act of the thirty-first Legislature of Texas to prohibit and prevent adulteration, fraud and deception in the manufacture and sale of foods, drugs and drinks. Approved March 20, 1909. Known as the Pure Food and Drug Law (amending the Blanton pure food law). Introduced by Hon. J. P. Hayter, senator from Wise County; Hon. Worth S. Ray, Hon. F. F. Hill, Representatives from Denton County:

An act to amend chapter 39 of the Acts of the General Laws of the Thirtieth Legislature, entitled "an act to prohibit and prevent the adulteration, fraud and deception in the manufacture of and sale of articles of food and drugs; prescribing penalties for the violation of this act; to provide for the appointment of a Dairy and Food Commissioner and to define his powers and duties and to fix his compensation; and to repeal all laws in conflict with the provisions of this act, and declaring an emergency;" so as to more perfectly prevent the manufacture of, sale of or offering for sale of, misbranded or adulterated food and drugs; to prevent the addition of injurious drugs or articles of foods; to provide for a Dairy and Food Commissioner, one stenographer, one assistant chemist, and two inspectors, fixing their compensation, defining their powers and duties; making an appropriation for the purpose of carrying into effect this act for the remainder of the fiscal year and providing the payment of unpaid salary and expenses of the Pure Food Commissioner and his assistants that accrued under chapter 39 of the acts of the General Laws of the Thirtieth Legislature, and declaring an emergency.

#### Utah.

The Legislature has adjourned and passed the following Food bills, and are now the Laws of Utah:

#### SENATE BILL NO. 80.

By Mr. Williams.

Referred to Committee on Public Health.

Is an act creating a Dairy and Food Bureau, defining its duties, powers, etc.

Section 1 creates a State Dairy and Food Bureau to consist of 9 residents of the state. The Governor, State Chemist, Secretary of the State Board of Health, and State Dairy and Food Commissioner shall be members of the board. Five other members shall be appointed by the Governor, as follows:

One practical manufacturer or packer of food or food products; one practical farmer; one representative of the live stock and slaughter interests; one merchant engaged in the sale of food products, and one member shall be a non-producer of food products.

Section 2 gives the said bureau power to establish rules and regulations for the operation of creameries, butter and cheese factories, dairies, slaughter houses, confectioneries, bakeries, and all places where food is bought, sold, manufactured, prepared or stored. The rules and regulations thus established to conform as nearly as possible with the regulations promulgated by the Agricultural Department of the United States under the Food and Drugs Act, and also under the Meat Inspection Act.

Section 3 makes it an offense to violate any rules or regulations established by the said bureau.

Section 4 appropriates money for carrying out the law.

This bill is now the law of the State and is the same as originally presented except that the members of the Commission were reduced to five.

#### SENATE BILL NO. 136.

By Mr. Hyde.

Relates to Dairies, provides that they must exist under licences and be kept in Sanitary Condition.

#### Washington.

The Washington Legislature adjourned April 15th, and only two laws were passed affecting the office of the Dairy and Food Department.

One provides that in place of one State Chemist there shall now be two. The chemist at the State College at Pullman, Washington, and the dean of the School of Pharmacy at Washington University, Seattle, Wash.

The other act provides for the purity of agricultural seeds and places the enforcement thereof under the Dairy and Food Department.

#### CHAPTER 28.

(S. B. 157.)

An act relating to the adulteration of foods, drinks and drugs, and amending section 9 of chapter 211, of the Session Laws of 1907.

*Be it enacted by the Legislature of the State of Washington:*

Section 1. Section 9 of chapter 211, Session Laws of 1907, is hereby amended to read as follows: Section 9. It shall be the duty of the chemist of the State Agricultural Experiment Station and the dean of the school of pharmacy of the University of Washington, or either of them, to analyze any and all substances that the Dairy and Food Commissioner may send to them, and report to the commissioner, without unnecessary delay, the result of any analysis so made, and when called upon by the said commissioner, the said chemist shall assist in the prosecution of violations of the law by giving testimony as an expert or otherwise.

Passed by the Senate February 4, 1909.

Passed by the House February 24, 1909.

Approved by the Governor March 2, 1909.

#### CHAPTER 201.

(H. B. 299.)

An act to provide for registration and guarantee of composition of concentrated commercial feeding stuffs and for fees for such registration, providing against the adulteration of such feeding stuffs, declaring violation of its provisions to be a misdemeanor and providing a penalty therefor and requiring the Attorney General and prosecuting attorneys to prosecute violations thereof.

#### West Virginia.

The West Virginia Legislature adjourned March 1. No new pure food or drug laws were passed.

#### Wisconsin.

#### SENATE BILL NO. 213, S.

By Mr. Barker, Feb. 10.

Referred to Committee on Public Health.

Relates to the sanitation of bakeries and confectioneries.

This bill has passed the Senate and has been favorably reported by the House Committee on Public Health.

#### SENATE BILL NO. 384, S.

By Mr. Donald, Feb. 23.

Referred to Committee on Agriculture.

Relates to the sale of unsanitary milk.

#### HOUSE BILL NO. 137, A.

By Mr. Towne, Feb. 3.

Referred to Committee on Agriculture.

Relates to dairy products.

#### HOUSE BILL NO. 286-A.

By Mr. Mortensen.

Feb. 5, 1909.

Referred to Committee on Public Health.

Relates to the sale of dairy products.

This bill has passed the House.

#### HOUSE BILL NO. 372, A.

By Mr. Georgi, Feb. 11.

Referred to Committee on Public Health.

Defines the terms "bakery," or "bakeries" or "baking establishment."

#### HOUSE BILL NO. 428, A.

By Mr. Ingram, Feb. 11, 1909.

Relates to intoxicating liquors, as follows:

"Section 1. There is added to the statutes a new section



to read: Section 1557t. 1. No person shall expose or offer for sale or sell any malt, ardent or intoxicating liquors or drinks unless each package, barrel, keg or bottle containing the same shall have plainly marked thereon in English the names of and quantity of each ingredient used in the manufacture of such liquors or drinks. This section shall not apply to liquors or drinks shipped out of the state."

## HOUSE BILL NO. 526a.

By Mr. Wells.

Referred to Committee on public health Feb. 16th.

Is a bill for the sanitation of food producing establishments.

## HOUSE BILL NO. 529, A.

Mr. Kull, Feb. 16.

Referred to Committee on Public Health.

Transferred to Committee on Dairy and Food Matters.

It is a bill to adopt food standards for the state of Wisconsin.

## WISCONSIN AMENDMENT No. 1 to HOUSE BILL No. 529-a.

The following amendment to H. B. 529-a has been offered by the committee:

Amend by striking out from the third line of section 2, page 1 of the printed bill, the word "for" and inserting in lieu thereof the words "relating to."

Further amend by inserting after the word "following" in the fourth line of section 2, page 1, of the printed bill the words "definitions and."

Further amend by inserting, striking out from the fifth line of section 2, page 1, of the printed bill the words "of purity."

Further amend by inserting after the word "legal" in the fifth line of section 2, page 1, of the printed bill, the words "definitions and."

Further amend by striking out the word "animals" where said word occurs at the end of line 1, paragraph 1, page 1, of the printed bill and inserting in lieu thereof the word "mammals."

Further amend by inserting after line 26, on page 2, of printed bill, the following words: "Provided, that the foregoing provisions relating to the containers shall not take effect until the first day of July, one thousand nine hundred eleven."

Further amend by striking out the words "condensed milk" where said words occur in line 15, of paragraph 5, of the printed bill.

Further amend by striking out the word "sweetened," where said word occurs in line 19, paragraph 5, of the printed bill.

Further amend by striking out the word "or" where said word occurs in line 102, paragraph 22, page 23, of the printed bill, and insert in lieu thereof the word "of."

Further amend by striking out the word "glove" where said word occurs in line 33, paragraph 22, page 21, of the printed bill and insert in lieu thereof the word "clove."

Further amend by striking out the word "retractive" where said word occurs in line 66, paragraph 23, page 27, of the printed bill and insert in lieu thereof the word "refractive."

Further amend by striking out the word "bolume" where said word occurs in line 4, paragraph 31, page 30, of the printed bill and insert in lieu thereof the word "volume."

Further amend by inserting between the words to and "standard" in the second line of the title of the printed bill, the words "definitions and."

Further amend by striking out the words "of which not" where said words occur in line 17, paragraph 5, page 6, of the printed bill, and substituting in lieu thereof the word "nor."

Further amend by striking out the words "twenty-seven and sixty-six hundredths (27.66) per cent" where said words occur in lines 17 and 18, paragraph 5, page 6, of the printed bill, and substituting in lieu thereof the words "eight (8) per cent."

Further amend by striking out the words "of which not" where said words occur in line 21, paragraph 5, page 6, of the printed bill, and substituting in lieu thereof the word "nor."

Further amend by striking out the words "twenty-seven and sixty-six hundredths (27.66) per cent" where said words occur in line 22, of the printed bill, and substitute in lieu thereof the words "eight (8) per cent."

The amendments to the bill made upon the floor consist in cutting out of the bill lines 13 to 26 on page 2 of the printed bill. This provision of the bill begins with the words "suitable containers for keeping moist food products such as

syrup, etc.," and ends with the words "or any compounds thereof or any other poisonous or injurious substance."

Amendment No. 1-A is amended by striking out these words "further amended by inserting after line 26 on page 2 of the printed bill the following words: "Provided that the foregoing provisions relating to containers shall not take effect until the 1st day of July, 1911."

## HOUSE BILL NO. 546, A.

By Mr. Reynolds, Feb. 16, 1909.

Referred to Committee on Public Health.

Prohibits the use of benzoic acid or benzoates in any article of food and to prohibit the sale of any article of food that has been bleached with oxides of nitrogen. This bill has passed the House.

## HOUSE BILL NO. 747, A.

By Mr. Reynolds, Feb. 23.

Referred to Committee on Public Health.

Amends Sections 40600 and 40601 of the Statutes relating to foods and drugs.

The sixth definition of adulteration is to the effect that an article shall be deemed to be adulterated or flavored in imitation of the genuine color or flavor of another substance.

The bill also provides that all labeling of packages required shall be on the main label of each package and in such characters and such size of type as shall be uniform with the name of the brand or the name of the manufacturer or jobber and in terms so placed in consecutive order and grouped that the label may be plainly seen and read in its entirety by the purchaser using ordinary care. This bill has passed the House.

## HOUSE BILL No. 865-A.

Introduced by Committee on Public Health

April 12, 1909.

The above bill is for an act to amend Sections 4601-1a, and 4601-2a, of the statutes relating to the sale of syrups.

The amendment consists in introducing into the statute the name "corn syrup" in connection with the name "glucose."

## HOUSE BILL No. 891-A.

Introduced by Committee on Dairy and Food.

This bill relates to the sale of sausage and sausage mixtures.

## HOUSE BILL No. 893-A.

Introduced by Committee on Dairy and Food.

This bill relates to definitions and standards for fruit and fruit products and to the labeling and sale of mixed jellies, jams, preserves and fruit butters.

## MANUFACTURERS SUED UNDER THE NATIONAL PURE FOOD LAW.

### District Attorney at Chicago, in Twelve Actions, Charges Seven Companies Shipped Misbranded and Adulterated Articles.

In pursuance of the campaign recently begun to prosecute manufacturers of food products for alleged violations of the pure food laws District Attorney Sims yesterday entered suits against seven local manufacturers. There are twelve suits altogether, but five of them were against the Scudder Sirup Company, it being charged that the sirup which they have been selling and branding as pure maple sirup actually contains only 50 per cent of maple sirup.

The other defendants are:

Calumet Tea and Coffee Company, charged with shipping pepper mixed with a substituted substance.

Great Western Cereal Company, charged with shipping misbranded Daisy Dairy feed.

Atwood & Steele Company, charged with shipping misbranded tropical extract of lemon.

Berry-Haybrum Company, alleged to have shipped "Northern Woods Maple and Cane Sirup" containing less than 50 per cent real maple and cane sirup.

D. B. Scully Sirup Company, accused of shipping "Westmoreland New Hampshire Maple Sirup," alleged to be mixed with a substituted substance.

Thomson & Taylor Spice Company, accused of shipping "Standard Full Measure Compound Lemon Flavor," said to contain little lemon grass.

King Cereal and Manufacturing Company, alleged to have adulterated "King's Quick Rising Buckwheat Flour."—Chicago Tribune, May 12.



# Pennsylvania's New Food Law

(Approved by Governor Stuart May 13th, 1909)

The Parts Printed in *Italics* are the Amendments

An act relating to food defining food providing for the protection of the public health and the prevention of fraud and deception by prohibiting the manufacture or sale the offering for sale or exposing for sale or the having in possession with intent to sell of adulterated misbranded or deleterious foods prescribing certain duties of the Dairy and Food Commissioner in reference thereto and providing penalties for the violation thereof.

Section 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That it shall be unlawful for any person, firm, co-partnership, limited partnership, joint stock company or corporate body, by himself, herself, itself or themselves, or by his, her, its or their agents, servants or employes, to manufacture, sell, offer for sale, expose for sale or have in possession with intent to sell any article of food which is adulterated or misbranded within the meaning of this act.

Section 2. That the term "Food" as used in this act shall include not only every article used for food by man but also every article used for or entering into the composition of or intended for use as an ingredient in the preparation of food for man.

That the term "Person" as used in this act shall include individuals, firms, co-partnerships, limited partnerships, joint stock companies and bodies corporate, as well as all officers, agents, servants, employes or others acting for any of the same, and shall be taken as applying in the singular or plural as the case may require.

Section 3. That for the purpose of this act an article of food shall be deemed to be adulterated—

First—If any substance has been mixed or packed with it so as to reduce or lower or injuriously affect its quality, strength or purity;

Second—If any substance has been substituted wholly or in part for the article;

Third—If any valuable constituent of the article has been wholly or in part abstracted;

Fourth—If it be mixed, colored or changed in color, coated, polished, powdered, stained or bleached, whereby damage or inferiority is concealed or so as to receive or mislead the purchaser, or if by any means it is made to appear better or of greater value than it is;

Fifth—*If it contains any added sulphurous acid, sulphur, dioxide, or sulphide, benzoate acid or benzoates, except as hereinafter provided, or if it contains any added boric acid or borates, salicylic acid or salicylates, formaldehyde, hydrofluoric acid or fluorides, fluoborates, fluosilicates or other fluorine compounds, dulcin, glucin, saccharin, alum, compounds of copper, betanaphol, hydronaphthol, abrastol, asaprol, oxides of nitrogen, nitrous acid or nitrites, pyroligneous acid or other added ingredients deleterious to health, or if in the case of confectionery it contains any of the substances mentioned in this paragraph or any mineral substance or injurious color or flavor, alcoholic liquor or any other ingredient not herein mentioned deleterious to health:* Providing that this act shall not be construed to prohibit the use of harmless colors of any kind in confectionery when used for coloring and not for any fraudulent purpose. And provided further, That nothing in this act shall be construed to prohibit the use of common salt, sugar, pure corn syrup, pure glucose, wine, vinegar, cider vinegar, malt vinegar, sugar vinegar, glucose vinegar, distilled vinegar, spices or their essential oils, alcohol (except in confectionery), edible oils, edible fats, wood smoke, applied directly as generated, or proper refrigeration. And provided further, That in the manufacture of confectionery the use of alcohol shall be permitted as it may be found in customary alcoholic tinctures or extracts used for flavoring purposes only and as a solvent for glazes, and that oil of sweet birch or methyl salicylic, either may be used as a substitute for oil of wintergreen as a flavor. And provided further, That in the preparation of dried fruits and molasses sulphur dioxide, either free or in simple combination, may be used in such quantities as will not render said dried fruits or molasses deleterious to health, and that sodium benzoate may be used

in the preparation of those articles of food in which it has heretofore been generally used in quantities not exceeding one-tenth (1-10) of one per centum or benzoic acid equivalent thereto. And provided further, That when any quantity of sodium benzoate is used in any article of food or any quantity of sulphur dioxide is used in the preparation of dried fruits or molasses the fact that sodium benzoates or sulphur dioxide has been used in the preparation thereof shall be plainly stated on each *package of such food:*

Sixth—If it consists of or is manufactured in whole or in part from a diseased, contaminated, filthy or decomposed substance, either animal or vegetable, or an animal or vegetable substance produced, stored, transported or kept in a way or manner that would render the article diseased, contaminated or unwholesome, or if it is any part of the product of a diseased animal or the product of an animal that has died otherwise than by slaughter.

Section 4. That for the purpose of this act an article shall be deemed to be misbranded—

First—If it be an imitation of or offered for sale under the name of another article;

Second—If it be labeled or branded so that it may deceive or mislead the purchaser or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part and other inferior contents shall have been placed in such package;

Third—If the package containing it or its label shall bear any statement, design or device regarding the substances or ingredients contained therein, which statement design or device shall be false or misleading in any particular;

Fourth—If it be a mixture or compound which may be known or from time to time hereafter known as an article of food unless it be accompanied on the label or brand with a statement that it is a mixture or compound and a statement of the substance entering into said mixture or compound. All labeling of packages required by this act shall be on the main label of each package and in type not less than eight-point brevier caps in size, unless the size of the package will not permit the use of eight-point cap type, in which case the size of the type may be reduced proportionately and in such position and terms as may be plainly seen and read by the purchaser. Provided, That nothing in this act shall be construed as required or compelling the proprietors, manufacturers or sellers of proprietary foods to disclose their trade formulas except in so far as may be necessary under the provisions of this act to avoid adulteration, imitation or misbranding.

Section 5. *When the Dairy and Food Commissioner or his agent shall obtain an article of food or a sample or portion thereof from any person for the purpose of determining whether the same is adulterated or misbranded within the meaning of this act and it shall be found that the said article of food is adulterated or misbranded within the meaning of this act, then the Dairy and Food Commissioner shall proceed against the said person from whose store, warehouse or other place of business said article sample or portion thereof shall have been obtained for a violation of the provisions of this act.*

*But no prosecution shall be sustained under the provisions of this act against a retail dealer for the selling, offering for sale, exposing for sale or having in possession with intent to sell of any adulterated or misbranded article of food as defined, herein if the retail dealer from whom the said article of food sample or portion thereof was obtained by the Dairy and Food Commissioner or his agent can establish a guaranty signed by the manufacturer or wholesale dealer or jobber or distributor, residing in the United States from whom such article of food was purchased or procured, to the effect that the same is not*



adulterated or misbranded within the meaning of this act designating it.

Said guaranty to afford protection shall contain the name and address of the manufacturer or wholesale dealer or jobber or distributor making the sale of such article of food to such retailer, and in such case the said manufacturer or wholesale dealer or jobber or distributor so as aforesaid giving such guaranty shall be amenable to the prosecution fines and other penalties which would attach in due course to the retailer holding such guaranty under the provisions of this act for a violation hereof and every manufacturer or wholesale dealer or jobber or distributor giving a guaranty under the provisions of this act shall be held responsible and shall be proceeded against for the adulteration or misbranding of any article of food sold under said guaranty and shall be subject to the penalties for the violation of the provisions of this act. No such guaranty shall operate as a defense to prosecution for a violation of the provisions of this act if the retailer holding such guaranty shall continue to sell the same article of food after written or printed notice from the Dairy and Food Commissioner or his agent that such article is adulterated or misbranded within the meaning of this act.

But if said person shall violate the provisions of paragraph six, section three, of this act by having stored or transported or kept said article in said paragraph mentioned in a way or manner to render it diseased, contaminated or unwholesome, said person shall be proceeded against for a violation of the provisions of this act and it shall not be necessary for conviction that any article, sample or portion thereof shall be obtained by the Dairy and Food Commissioner or his agent as a condition precedent to prosecution.

Section 6. For the purpose of this act an article shall be deemed to be the same article—

First—When it shall be of the same brand or have thereon the same label and shall be adulterated or misbranded in the same way;

Second—When it is not labeled or branded, but is sold, offered for sale or exposed for sale under the same name and adulterated or misbranded in the same way;

Third—When, although sold, offered for sale or exposed for sale under another name or labeled or branded in a different way, it shall be found to be the product of the same manufacturer, grower or maker and to be adulterated or misbranded in the same way. Provided, however, That an article shall be deemed to be adulterated in the same way it shall contain the same adulterant substance or substances.

Section 7. Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than sixty dollars nor more than one hundred dollars.

Section 8. The Dairy and Food Commissioner of the State shall be charged with the enforcement of the provisions of this act and shall make rules and regulations for the proper enforcement thereof and shall cause such rules and regulations to be published in the official bulletin in the issue immediately following the preparation of the same.

Section 9. All fines and penalties imposed and recovered for the violation of any of the provisions of this act shall be paid to the Dairy and Food Commissioner or his agent and by the Dairy and Food Commissioner be paid into the State Treasury for the use of the Commonwealth.

Section 10. The following acts of Assembly, namely, an act entitled—

"An act to provide against the adulteration of food and providing for the enforcement thereof," approved the twenty-sixth day of June, Anno Domini one thousand eight hundred and ninety-five;

And an act entitled—

"An act for the protection of public health by prohibiting the manufacture and sale, offering for sale or having in possession with intent to sell within the State of adulterated, misbranded, poisonous or deleterious foods and confections, regulating the enforcement of the provisions hereof, providing for the protection of persons buying and selling adulterated or misbranded foods and confections under a guaranty, and providing penalties for the violation thereof," approved the first day of June, Anno Domini one thousand nine hundred and seven, be and the same are hereby repealed.

Provided, nevertheless, That this act shall not apply to nor in any way affect

An act entitled—

"An act to prohibit the adulteration or coloring of milk and cream by the addition of so-called preservatives or coloring matter and to provide for the enforcement of the same" approved the tenth day of June Anno Domini one thousand eight hundred and ninety-seven;

And the amendment thereto approved the nineteenth day of April Anno Domini one thousand nine hundred and one, entitled—

"An act to amend the first section of an act entitled 'An act to prohibit the adulteration or coloring of milk and cream by the addition of so-called preservatives or coloring matter and to provide for the enforcement of the same,'" approved the tenth day of June, Anno Domini one thousand eight hundred and ninety-seven;

Nor the act entitled—

"An act to prohibit the manufacture and sale of oleomargarine, butterine and other similar products when colored in imitation of yellow butter, to provide for license fees to be paid by manufacturers, wholesale and retail dealers and by proprietors of hotels, restaurants, dining rooms and boarding houses, for the manufacture and sale of oleomargarine, butterine or other similar products not colored in imitation of yellow butter and to regulate the manufacture and sale of oleomargarine, butterine or other similar products not colored in imitation of yellow butter and prevent and punish fraud and deception in such manufacture and sale as an imitation butter and to prescribe penalties and punishment for violations of this act and the means and the method of procedure for its enforcement and regulate certain matters of evidence in such procedure," approved the twenty-ninth day of May, Anno Domini one thousand nine hundred and one;

Nor the act entitled—

"An act defining boiled or process butter, designing the name by which it shall be known, providing for the licensing of manufacturers and dealers therein and regulating the sale and labeling of the same so as to prevent fraud and deception in its sale, providing punishment for violations of this act, the methods of procedure for its enforcement and certain matters of evidence in such procedure," approved the tenth day of July, Anno Domini one thousand nine hundred and one;

Nor the act entitled—

"An act to prohibit the selling, shipping, consigning, offering for sale, exposing for sale or having in possession with intent to sell as fresh, any meat, poultry, game, fish or shell-fish which contains any substance or article possessing a preservative or coloring character or action, making the same a misdemeanor and to prescribe penalties and punishment for violations and the means and the methods of procedure for the enforcement thereof," approved the twenty-eighth day of March, Anno Domini one thousand nine hundred and five;

Nor the act entitled—

"An act providing for the regulation of the manufacture and sale of distilled and fermented vinegars, prescribing their standard, to prevent the adulteration of the same, providing for the enforcement thereof and punishment for the violation of the same," approved the eighteenth day of June, Anno Domini one thousand eight hundred and ninety-seven;

Nor the amendment thereto, approved the twenty-first day of May, Anno Domini one thousand nine hundred and one, entitled—

"An act to amend the first and second section of an act entitled 'An act providing for the regulation of the manufacture and sale of distilled and fermented vinegars, prescribing their standard, to prevent the adulteration of the same, providing for the enforcement thereof and the punishment for the violation of the same,' approved the eighteenth day of June, Anno Domini one thousand eight hundred and ninety-seven, so as to provide that vinegar made wholly from grapes, apples or other fruits, shall not be required to contain an acidity of four per centum";

Nor the act entitled—

"An act to prevent fraud and deception in the manufacture and sale of cheese and defining what shall constitute the various grades of cheese, providing rules and regulations for marking and branding the same, providing for the enforcement of this act, prescribing penalties for its violation," approved the twenty-third day of June Anno Domini one thousand eight hundred and ninety-seven;

And the amendment thereto, approved the second day of May, Anno Domini one thousand nine hundred and one, entitled—

"An act to amend section two of an act entitled 'An act to prevent fraud and deception in the manufacture and sale of cheese and defining what shall constitute the various grades of cheese, providing rules and regulations for marking and branding the same, providing for the enforcement of this act, prescribing penalties for its violation,' approved the twenty-third day of June, Anno Domini one thousand eight hundred and ninety-seven;

Nor the act entitled—

"An act regulating the manufacture or sale of fruit syrups,



providing for the enforcement thereof and to repeal an act entitled 'An act relative to adulteration of natural fruit juice, and providing penalties for violations thereof,' approved the second day of May, Anno Domini one thousand nine hundred and one," approved the twenty-sixth day of April, Anno Domini one thousand nine hundred and five.

All of which acts shall remain in full force.

### THE ECLIPSE OF DR. WILEY.

Dr. Harvey W. Wiley seems to have been undone by benzoate of soda, which he pronounced poisonous when used to preserve foods. The Remsen board was appointed by President Roosevelt at the instance of producers and dealers, who declared benzoate of soda helpful and harmless in their business. The board, composed of university presidents and professors, John Hopkins, Yale, New York, Northwestern and the University of California being represented, took issue with Dr. Wiley and pronounced benzoate of soda when used in small quantities not at all deleterious.

An official bulletin setting forth the decision and announcing that it would be followed in administering the food law was signed by Secretary Cortelvou, Secretary Straus and Secretary Wilson. Dr. Wiley merely remarked at the time—the blow fell on February 25 last—that he could make a living at something else, but he did not confirm rumor by resigning. The legality of the Remsen board remained as his last ditch. Attorney-General Wickersham having given an opinion that the president had power to create the board under that provision of the food and drugs act, which allows the secretary of agriculture to employ such other persons in addition to an enumerated list as he may deem expedient, Dr. Wiley must submit or retire. The attorney-general is not the supreme court, but it would be hardly worth while to challenge his dictum.

Dr. Wiley's usefulness is not gone, but he ceases to be the chemist paramount with all the publicity that attached to his function as he was wont to exercise it. He taught us all how to nourish this mortal frame, and like a human doctor he disregarded his own prescriptions. He added new terrors to life by blacklisting things we had habitually consumed with no marked detriment to our health or blight on our happiness. Some of us never knew what pure whiskey was until Dr. Wiley told us, and we ought to have been dead long ago for not knowing it. How much to weigh, how to grow thin and how to be active at 80, with details of diet indispensable to content, we learned from Dr. Wiley at banquets, where he talked over a rampart of alcohol in bottles and food in cans. Others could have told us the same things, and they were written in a thousand books for plain folk; but Dr. Wiley was chief chemist of the government at Washington, and what he said bore the impress of authority and infallibility. He was always fresh from the mint—an animated double eagle.

The doctor poisoned his fellowmen with borax and salicylic acid, and published the results for the benefit of humanity. He set time limits upon meat, eggs, fruit and poultry, and made us mighty uncomfortable inwardly and suspicious as the devil. He was often right and an influence for good, but very boisterous and gay about it, so that he got on our nerves. He had much to do with developing the demand for the pure food law, and it might never have been enacted but for his zeal and unflagging industry. The adulterators of foods and drinks hated him blackly, for which thanks be returned. Yet he may have been wrong sometimes in his dogmatic judgments and extravagant in anathema and dire warning; for Dr. Wiley is not infallible, and he dearly loves the rows he stirs up.—*New York Sun*.

### DR. WILEY'S DEFENSE.

To the Editor of The Sun—Sir: I read with attention, and I may add some degree of personal interest, the editorial article in THE SUN of May 2 entitled "The Eclipse of Dr. Wiley." In the same column is found a mild rebuke of Dr. John M. Thomas for using "would" where he meant to say "should." This looseness of expression I admit is almost as common as the use of benzoate of soda in foods.

I am pained, however, to see that you quote without condemnation in the leading editorial article of the same issue an extract from the speech of a Senator in which many liberties of style are found. For instance, "a man who wants to raise his children;" and again, "where every man and woman has an opportunity to educate their children in the way they should go." These illustrations are merely cited to relieve the shock of "The Eclipse of Dr. Wiley."

An eclipse is always considered to be of a temporary char-

acter. The body eclipsed is still there, unshorn of any of its effulgence and ready to renew business at the old stand as soon as the obscuring body passes. One would hardly suppose that the eclipsed body was "undone," "taken issue with" or would be expected "to submit or retire." In fact the eclipsing body usually does the "retiring." It is not usual, moreover, to describe the eclipsed body as having a "last ditch."

In one instance, however, the position is saved. I read "the blow fell on February 25." Although tornadoes and not eclipses are usually described as "blows," yet it is true that the verb "to fall" is frequently used in connection with eclipses in farmers' almanacs, as for instance, "the eclipse of the sun falls on the 25th of February." Were it not for this saving clause the whole story of the "eclipse" would be (or should be) nearly as bad as using "would" for "should."

HARVEY W. WILEY.

Washington, May 6.

### CALLS MACVEAGH PRODUCTS IMPURE.

Speaker Bancroft, in a speech before the Wisconsin Assembly May 6, advocating better pure food laws, charged the Franklin MacVeagh Company, of which the present Secretary of the Treasury is the head, with adulterating food products.

Picking up a bottle of lemon extract made and sold by the MacVeagh company, the speaker charged it did not contain a drop of lemon, but consisted almost entirely of wood alcohol.

A bottle of raspberry jam, Speaker Bancroft said, was composed mostly of glucose and hayseed. A bottle of port wine exhibited, Mr. Bancroft said, was made of glucose, coal tar and benzoate of soda. This was labeled "guaranteed under the pure food and drugs act." Reverting to Franklin MacVeagh, the speaker said:

"The present Secretary of the United States Treasury is a man of financial ability because he has succeeded in making \$1,000,000 by cheating the American people with adulterated foods. For this reason he was chosen to guard the money of this country and incidentally override the ruling of the national food commissioner."

### STEENERSON OF MINNESOTA.

The Hon. Halvor Steenerson of Minnesota is plainly zealous to investigate somebody and expose something.

On Monday he came forward in the House of Representatives with resolutions of inquiry as to whether the operation of the pure food law had been suspended so as no longer to apply to the Chicago firm bearing the name of the Secretary of the Treasury.

The Inter Ocean will hardly be suspected of holding a brief for the Hon. Franklin MacVeagh or the firm from which he separated himself, as the law requires, before taking office. So it is merely in the interest of common justice that we remark how contemptible is such a foul blow as that dealt by this muckraker.

Mr. Steenerson is obviously trying to produce the condition that Mr. Roosevelt rightly described as welcome to evil-doers—a cloud of general accusations under which both honest men and rascals look alike to the public.

Since Mr. MacVeagh cannot be responsible for what his former business associates may have done, it is obvious that Mr. Steenerson is merely seeking notoriety for himself by seeking to cast scandal on a cabinet officer and the administration of which that officer is a part.

The only redeeming feature of Mr. Steenerson's performance is its conspicuous isolation under present circumstances. But a year or two ago such men as he were clattering off such accusations as his with the speed of a corn sheller in every corner and nook of the United States.

Today, when a Steenerson speaks, he is as a loud voice in a great silence. He thus reminds us of what we have to be thankful for.

Heaven be praised, we no longer hear every hour of the day that all men are liars and most men are bought.

For this thought we may express our gratitude to Steenerson, and let him go at that!—Chicago Inter Ocean.

"I am willing to make any sacrifice to win you," sighed the impetuous count.

"Oh, that isn't necessary," replied the heiress. "In case I make up my mind that I want you papa can afford to pay the regular price."—Chicago Daily News.



**UNITED STATES CIRCUIT COURT OF APPEALS  
EIGHTH DISTRICT DECIDES THAT MANU-  
FACTURES OF FLAVORING EXTRACTS  
NEED NOT PAY A REC-  
TIFIERS TAX.**

No. 2850. December Term, A. D. 1908.

Edmund B. Allen, United States Defendant in Error.  
Collector of Internal Revenue for the First District of Missouri,  
Plaintiff in Error, vs. United States for the Eastern District of Missouri.  
Liquid Carbonic Company, a Corporation, Defendant in Error.

Mr. Truman P. Young (Mr. Henry W. Blodgett with him on the brief), for plaintiff in error.  
Mr. Thomas E. Lannen filed a brief for the defendant in error.

Before Sanborn and Adams, circuit judges, and Riner, district judge.

Riner, district judge, delivered the opinion of the court.

This action was originally brought in the circuit court of the city of Saint Louis and removed to the circuit court of the United States for the eastern division of the eastern district of Missouri. The action sought to recover certain taxes and penalties paid under protest by the defendant in error, hereafter called the company, to the plaintiff in error, United States collector of internal revenue for the first district of Missouri, hereafter called the collector.

Three causes of action are set out in the petition. By the first cause of action it is sought to recover a tax charged to and paid by the company under protest, as a rectifier of distilled spirits, in the sum of \$100 and \$50 penalty. By the second cause of action it is sought to recover a tax charged to and paid by the company under protest, as a wholesale liquor dealer, in the sum of \$100 and \$50 penalty. And by the third cause of action it is sought to recover a tax charged to and paid by the company under protest, as a retail liquor dealer, in the sum of \$25 and \$12.50 penalty.

No question is raised as to the company's liability for the penalty if the tax itself was properly assessed by the collector.

The case was tried to the court without a jury, a written stipulation having been filed waiving a jury, and the court made and entered the following findings of fact and conclusions of law:

"1. That plaintiff from the 30th day of June, 1905, to the 2d day of July, 1906, was engaged in the manufacture and sale of certain extracts within the city of St. Louis and in the first collection district of Missouri. That said extracts were sold by the plaintiff at times in quantities of more than five gallons at the same time, and at times in quantities of less than five gallons at the same time. That said extracts were the only product containing alcohol, manufactured, handled or sold by plaintiff during said time.

"2. That said extracts were manufactured in such a way that they contained from 47 to 57 per cent water and from 40 to 50 per cent of alcohol and about 3 per cent of flavoring principle; that fruit juice was used as flavoring principle when the juice of the particular fruit was sufficiently strong to produce a concentrated extract. That because of the lack of flavoring strength in a large majority of the natural fruit juices it is impossible to produce an extract from such fruit; that plaintiff produced the natural extracts when possible, but where no natural extract could be made, plaintiff produced an artificial extract by using as a flavoring principle about 3 per cent of certain ethers, the proportions of alcohol and water remaining the same as in the natural extracts. These extracts are known as 'therial extracts.'

"3. That these extracts are manufactured in the same general way and contain substantially the same amount of alcohol as extracts manufactured and sold for similar uses and purposes, and commonly known as soda water extracts.

"4. The court further finds that said extracts cannot be made or manufactured without the use of alcohol in approximately the strength used by plaintiff, such per cent of alcohol being necessary to hold the flavoring principles in solution.

"5. The court further finds that said extracts could not be drunk as a beverage in their original and full strength because of the strength of the flavoring principle, but were susceptible of use only in imparting flavor to some drink or food intended for human consumption.

"6. The court further finds that said extracts were never

manufactured or used or sold by plaintiff as a beverage, but that plaintiff manufactured and sold such extracts as a flavor only; that no one with the knowledge or consent of plaintiff ever sold or used said extracts for any other than flavoring purposes.

"7. That plaintiff manufactured and sold said extracts almost entirely as soda water flavors, to be used in flavoring the syrup which goes into soda water. A small amount of the extract was placed in the syrup and this syrup was placed in the glass to which carbonated water was added, so that in one glass of soda water there were about three or four drops of said extract. That such extracts sold to the soda water trade bore labels which gave directions for the use of said extracts for flavoring soda water in the manner above set out.

"8. That plaintiff also manufactured very small quantities of extracts which were used by saloon keepers and others to flavor mixed drinks. These extracts were labeled 'bar use' and contained substantially the same ingredients as the extracts used to flavor soda water, except that the bar use extracts were somewhat lower in alcoholic content. Plaintiff at long intervals sold very small amounts of the bar use extracts and these sales were made only in bottles provided with squirt tops. Such extracts were simply used to flavor mixed drinks by adding a few drops of some extract from the squirt top bottle, or, as it has been expressed, by adding a dash of said extracts to the mixed drinks before it is drunk by the purchaser.

"9. The court further finds that all the other material allegations of plaintiff's petition, not covered by the foregoing special findings, are true. And the court rules as a matter of law upon the facts as above found that plaintiff between said dates, to-wit: The 30th day of June, 1905, and the 2d day of July, 1906, was not carrying on the business of a rectifier of distilled spirits or a wholesale liquor dealer, or a retail liquor dealer within the first collection district of Missouri."

A judgment was entered in favor of the company and against the collector, for the sum of \$366.28, and the collector brings the case here by writ of error.

The extracts manufactured by the company were principally used to flavor soda water syrup and most of it was sold for that purpose. A small quantity of the extract was placed in the syrup, the syrup placed in a glass and then carbonated water added until the glass was filled, so that in a glass of soda water there would be three or four drops of the extract. These extracts contained from 40 to 50 per cent alcohol and were mixed with fruit juices, and where the natural flavor of the fruit juice produced an essence sufficiently strong, no other ingredients were used; when they did not, ether was used. In addition to manufacturing these extracts for soda fountains, the company also manufactured and sold, on special orders, extracts to saloon keepers. These extracts, as the testimony shows, and the court below found, were just the same as the soda water extracts, except that they were somewhat lower in alcoholic content and were sold in squirt top bottles and labeled "bar use," and were used to flavor mixed drinks by squirting a drop or two of the extract through the squirt top bottle into the mixed drink.

The court below found that the extracts were never manufactured, used or sold by the company as a beverage and that they could not be drunk as a beverage in their original and full strength, because of the strength of the flavoring principle, but were susceptible of use only in imparting flavor to drink or food intended for human consumption.

We think the testimony supports this finding of the court and that these extracts are not spurious imitations or compound liquor within the meaning of Section 3244 of the Revised Statutes.

The case is altogether different from the case of *United States v. Stafford*, 20 Fed. 720. In that case the defendant was selling what was known as brandy cherries, but the evidence disclosed that as a matter of fact, the bottles so labeled contained nothing but whiskey and a few cherries and was sold over a bar; that persons purchasing it would frequently open the bottle right at the bar and drink the contents, leaving the bottle and cherries, and that they become drunk from its use. It was perfectly apparent in that case that putting cherries in the bottles was a mere device for dealing in spiritous liquor without the payment of the special tax.

In this case, however, the court below found that these extracts were not sold to be used as a beverage, nor could they be used as a beverage, and that the amount of alcohol employed in their manufacture was not greater than was necessary to hold the other ingredients entering into the composition of the extract in solution.



As already indicated, we think this finding is supported by the testimony and that these extracts are not beverages or liquor within the meaning of the section of the statute above referred to. *United States v. Stubblefield*, 40 Fed. 454; *United States v. Wilson*, 69 Fed. 144; *United States v. Calhoun*, 39 Fed. 604.

The judgment of the circuit court is  
Filed April 26, 1909.

*Affirmed.*

A true copy.

Attest:

(Seal.)

John D. Jordan,  
Clerk U. S. Circuit Court of Appeals, Eighth Circuit.

**CIRCUIT COURT OF THE UNITED STATES, DISTRICT OF RHODE ISLAND DECIDES WHAT DOES NOT CONSTITUTE MISLABELING IN MIXTURES OF MAPLE AND CANE SIRUP.**

In re the petition of Charles A. Wilson, attorney for the United States.

**OPINION.**

March 8, 1909.

*Brown, J.* The attorney for the United States moves for leave to file an information in accordance with the practice followed in *United States v. Smith*, 40 Fed. Rep., 755.

It is conceded that it is proper for the Court to examine the information and the affidavits in support thereof, and if the same shall be found insufficient to deny the motion.

The information charges that a certain company shipped by a carrier, from the state of Rhode Island to the District of Columbia, a certain article of food in bottles, to-wit: Syrup, bearing a certain label upon which was printed the following words: "Gold Leaf Syrup, composed of Maple and White Sugar; Huntington Maple Syrup and Sugar Company, Providence, R. I.," and that the label bore also, in the center thereof, the design and representation of the leaf of the maple tree, as the trade-mark of said company. It is alleged that the syrup was misbranded, that "the design and device and said printed matter were false and misleading and calculated to deceive and mislead the purchasers thereof, in that said article of food was in fact composed principally of white sugar and contained no substantial quantity, but on the contrary, a very small quantity, of maple syrup, to-wit: not more than 10 per centum by weight of maple sugar, whereas said design and device and said printed matter upon said label as aforesaid, represent, and are calculated to lead the purchaser thereof to believe, that said article of food is composed principally or in substantial part of maple sugar."

Appended to the motion is an affidavit in support of the information by an analyst of the Bureau of Chemistry to the effect that as a result of an analysis of the syrup it was found to contain approximately 90 per cent of white sugar and not more than 10 per cent of maple sugar.

A sample of the bottle is also presented, with a label printed in gold, blue and red, which at the top has in plain, large letters the words "Gold Leaf" in gold, "Syrup" in red with a blue circular underscoring, a trade-mark consisting of a gold leaf, said to be a maple leaf, with stalks projecting on each side, apparently representing sugar cane, with the name of the company in smaller letters in the middle; the words "composed of" in white, on a blue field, being very distinct, and the words "maple and white sugar" in blue on a white field at the bottom, being also very distinct. The very conspicuous features are the words "Gold Leaf Syrup," "Composed of" and "Maple and White Sugar."

It is impossible, upon the most partial interpretation of these statements, and having in mind the decisions of the courts concerning what amounts to fraudulent misrepresentation upon labels, to find any intimation as to the proportions of maple and white sugar contained in this preparation, which is given the general title of "Gold Leaf Syrup." The purchaser is informed in the most distinct and unequivocal manner that he is buying a compound of maple and white sugar, and from the report of the analyst it appears that this is the fact. There is no statement contained on the label which is in the slightest degree calculated to convey the impression that there is more maple than white sugar, and if a purchaser should suppose that there was, such an idea would come entirely from his own imagination and not from any suggestion fairly implied by the label. The label affords not the slightest evidence of an intention to convey such an idea to the purchaser.

Such remote possibilities of the imagination cannot be a basis for a proper interpretation by the Court of terms of

clear and unambiguous meaning. The label says nothing of proportions, either directly or by any reasonable implication.

As to the maple sugar, it appears as a fact that 10 per centum is contained in the avowed compound. The article is designed for table use. The addition of so substantial an amount of maple sugar as 10 per cent, if sufficient to give to this compound syrup a maple flavor, serves to make the article more palatable and to satisfy the purpose of the buyer. A person who should buy this syrup would expect that he was getting a considerable portion of white sugar with the addition of a sufficient amount of maple sugar to please his palate. Unless his palate is disappointed by the absence of the flavor which he expects I am unable to imagine how there can be any variance between the contents of this bottle and the statements on the label. Even if we search this label with a most prejudiced eye, and endeavor to discover upon it some innuendo or insinuation, we are at great difficulty in finding even the most remote suggestion. Is there an innuendo that there is more maple than white sugar in the composition? Clearly not. Is there an innuendo that there is more than 10 per cent of maple sugar? Viewing this in the light of the subject matter, to-wit: the purpose of the purchaser and the expectations aroused in him as a consequence of statements on the label, I am unable to perceive any more definite suggestion than that there is imparted to the Gold Leaf Syrup a desirable quality due to the presence of maple sugar.

In order to convict a person of misbranding upon such a showing of fact, the Court would be obliged to go entirely beyond all the established legal principles upon the question of deceit and misrepresentation, and beyond any of the decisions of the equity courts as to what is abhorrent to the conscience of a chancellor. In fact, I think that we should be obliged to go not only outside the boundaries of legal and equitable rules but also outside the boundaries of rational common sense.

From examination of former cases dealing with the subject of misleading representations on labels, I am impressed with the great value of the legislation known as "The Pure Food Act," but I am further impressed with the fact that an attempt to apply that act to cases of this character cannot but serve to bring that act into such disfavor as to impair its usefulness. The distinction between the enforcement of law and the abuse of law is lost sight of in the attempt to make this obviously innocent act a criminal misdemeanor.

The motion for leave to file the information is denied.

A true copy. Attest:

(SEAL.)

L. B. LAWTON,  
Deputy Clerk,  
U. S. Circuit Court.

**PACKERS NEED NOT MARK NET WEIGHT ON MEAT PACKAGES IN NEBRASKA.**

Under an opinion handed down by the supreme court of Nebraska on April 24th packers need not brand their meat packages with the net weight of the contents. The opinion was one handed down in the case brought by former Food Commissioner Johnson, through County Attorney Tyrrell, to punish Swift & Co. and that firm's local representative, William Hutztable, on the ground that they had violated the provision of the pure food law which provides that all packages shall be marked with the net weight of the contents.

The contention of the state was that by selling the customer meat wrapped in heavy paper the packers were guilty of fraud in that the purchaser had to pay meat price for the wrappings, and that it was necessary for his protection that the package should state precisely how much meat there was in the package, how much meat the purchaser was getting for the price demanded for the whole package.

The packers contended that it was impossible to accurately stamp the net weight of the package because the meat began to shrink as soon as it was wrapped; that the purchaser had the option of buying the wrapped meat or similar meat without wrappings; that the wrapper was useful to protect the meat from dirt and insects and was also for the purpose of preserving the quality of the food product. It was also contended that it was not possible to mark how much the wrappings weighed because they were of varying weight and thickness and some absorbed fat more quickly and in larger volume than other paper.

Judge Cornish held that a package of wrapped ham or bacon is not a package within the meaning of the term as used in the statute in question; that the term was intended to apply only to such packages as are put up in artificial sizes or quan-



ties; that hams and bacon in packages are in natural sizes varying in weight and quantity, and that they are never sold as of fixed weight or quantity. From this decision the state filed exceptions.

"It must be conceded," says the supreme court, "that the term 'package' is at best a vague one and liable to various interpretations. It is well known that many articles of food are packed, bound or put together in sizes determined by the manufacturers, and intended to pass in trade from hand to hand as of given weight or measure. For example, butter, put up in pound packages, strawberries in a box supposed to hold a quart, teas and coffees in pastboard boxes of a pound. These are strictly packages within the meaning of the law. They are packed, bound and put together in forms and sizes convenient to pass in trade from hand to hand."

The court says that where a statute is of doubtful meaning, recourse must be had to the record to disclose what the purposes of the legislature were. This, it is evident, was to prohibit the various kinds of fraud and deceit too often practiced in recent years in the manufacture and sale of food products, says the court.

The court holds that it is apparent that the processes resorted to by the packers in wrapping their meats were for the purpose of enhancing their value as food products and by wrapping them in the manner as determined by the evidence no fraud or deceit is practiced on the purchaser because he has the choice of taking the wrapped or the unwrapped meat. He knows, says the court, that when he buys the whole wrapped package that he is paying for the paper wrapping, but if he does not want to do that he can take a part of it at meat price. The court holds that the package is properly branded as to contents and hence there is no fraud or deceit. Indeed, none could be practiced on the consumer by such a transaction. It follows that the acts complained of are not violative of either the letter or the spirit of the statute on which the prosecution was based.

Judge Dean dissented from this view of the case, but filed no opinion.

#### SUMMARY OF WORK ACCOMPLISHED BY MISSOURI DAIRY AND FOOD COMMISSION FOR MONTH OF APRIL.

Missouri is entering upon her third year of pure food work. During the initiatory two years, under the State Pure Food Law, which is a copy of the Federal Law, many adulterated and impure foods have been eliminated from the market and the general trend of the consumer has been toward demanding better food and to acquaint himself with the law as a means of obtaining better foods.

The undersigned was appointed State Dairy and Food Commissioner Feb. 20, last, by Governor Hadley. A. H. Douglass of Columbia was appointed Deputy Commissioner and the following four inspectors were appointed: Dr. H. B. Allen, Tarkio; Dr. Wilbur Smith, Springfield; E. H. Ham, Montgomery City, and Adolph Meyer, St. Louis. Each inspector is given a certain section of the state to cover. The analytical work will be done by the deputy commissioner under the supervision of the Experiment Station chemist.

The work of the inspectors is mapped out by the commissioner and each town or city in the state is taken up in systematic order, and a thorough inspection made of all places where food is manufactured or sold.

The following is a summary of the work:

A total of 467 inspections has been made in detail as follows: Drug stores, 27; meat shops, 59; confectionery stores, 10; groceries, 240; bakeries, 22; dairies, 31; creameries, 1; hotels and restaurants, 63; wholesale and jobbing houses, 12; mills (flour and feed), 2.

The territory already inspected and in which inspection is now being carried on includes the cities of St. Louis, Kansas City, Springfield, Hannibal, Jefferson City and Columbia.

A system of scoring stores and markets has been devised and put in operation. This takes into account the cleanliness and general appearance of the store and the condition of the dealer and the food sold by him. Fifty places have been so scored, including grocery stores, meat markets, bakeries, drug stores, dairies, hotels and restaurants.

One hundred and sixty-nine samples of food have been taken, a large part of which are milk samples. Short weight inspection is now being carried on by the department and over 100 samples of flour have been weighed, a report of which will be given later.

It is the intention of this office to see that the pure food

law is enforced strictly and without fear or favor, and the co-operation of every food interest is sought to this end.

W. P. CUTLER, Commissioner.

Columbia, Mo., May 8, 1909.

A monthly report will be issued by this department, and other literature from time to time. Hereafter we will mail only to those making request to have their names on our mailing list.

#### REPORT FROM THE STORM CENTER IN INDIANA.

To the American Food Journal:

At this time (May 10) the benzoate of soda problem in Indiana has reached an acute stage. Two cases, brought to restrain the State Board of Health from enforcing the edict against the use of benzoate of soda as a preservative in food products sold in the state are pending, one in the federal court and one in a local court. The federal case was instituted in February and was brought by the Williams Brothers Company and the Curtice Brothers Company, picklers and preservers. Thus far, the preliminary rulings have seemed to favor the State Board, although the complainants are confident of being able to win in the end.

The suit in the local court is based largely on a difference which exists between Dr. J. N. Hurty, secretary of the State Board of Health, and H. E. Barnard, State Food and Drug Commissioner, subject to the orders of the State Board, concerning the use of benzoate. Dr. Hurty has published a number of articles setting forth that benzoate is no more harmful to the human system than salt, pepper, spice, catsup, etc., used in excess, but he is holding to the benzoate order in the state because it has crept into the law. Mr. Barnard adheres to the theories advanced by Dr. W. H. Wiley of the National Food and Drug Commission, and is a sworn enemy of benzoate as a preservative, because, he says, its use enables the manufacturer to use an inferior product in manufacturing a food product to place on the market in competition with goods manufactured from first-class stuff.

Having noticed some of the published articles of Dr. Hurty concerning his opinion of benzoate, the Squire Dingee Company of Chicago, the National Pickling and Canning Company of St. Louis, and the Alart & McGuire Company of New York have jointly brought suit against the State Board to cause it to be enjoined from enforcing the edict against benzoate and cites in its complaint quotations from Dr. Hurty's published articles. In defending the case, Attorney General James Bingham has gone to Washington city and, it is now reported, will bring Dr. Wiley to Indianapolis to assist in the defense. The defense is also being aided by representatives of the *Heinz Company* of Pittsburg, which had a man here for six days assisting in preparing the evidence and the arguments against the contentions of the complainants.

Mr. Barnard believes that if the courts sustain the board's contentions in the case, the Indiana State Board of Health will take its place at the top of the list of boards in the country.

#### SHORT-WEIGHT SACKS OF FLOUR IN KANSAS.

For the first time in the history of the state a Kansas miller has been brought into court for selling short-weight flour. The State Pure Food Department has in the past two years been weighing flour at the mills and found that flour has been put on the market short-weight in some instances. Wednesday, May 5, at Great Bend, Kansas, complaint was made to County Attorney James W. Clark by Chief Deputy Inspector Kleinhans and warrants were issued for the arrest of W. B. Pickerall charging fifteen counts for misbranding and short-weight flour being sold by the Universal Mill Co., Claflin, Kansas, of which Pickerall is owner.

This flour was found to be short 12 oz. on each sack by the inspector. This shortage amounts to thousands of dollars per year at the present high price of flour.

Pickerall appeared in the District Court at Great Bend on Tuesday and was allowed to plead guilty on one count. He was promptly fined the full limit of the law, \$300, and costs, which he paid.

The Food Department have given millers ample time to get right under the law and it is evident that prosecutions will follow where violations are found hereafter by the department.



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## TRUTH OF LITTLE MOMENT.

A minister of the Gospel in St. Louis, publicly thanks the newspapers for the publicity given his saving a boy from drowning as the notoriety has materially increased the size of his Sunday evening congregations. He admits that the account of the occurrence like that of the report of Mark Twain's death was very much exaggerated. The water in which the thrilling rescue occurred was less than three feet deep. But a newspaper hero is as good as a real hero as a drawing card in the pulpit, and it is perfectly plain to the minister as it is to the laymen that the newspapers deserve all the more praise for making a good story out of whole cloth, even clerical, and thus bringing attentive ears and hearts to the inception of spiritual truth.

In his fight for retention in office and in his efforts to eliminate the referee board, which showed his experiments to be worthless or worse, Dr. Wiley has been conducting a campaign of misrepresentation through the newspapers he has fed with fatted tid bits of misinformation so long. The Des Moines Capitol takes up the cudgel in this wise after unconsciously disclosing how much it does not know about benzoate of soda and telling of the decision to allow its use:

"This legalizes embalmed beef," said a high official of the government.

"This phrase states the case concisely. It is contended by members of the Remsen board that benzoate of soda in the quantities authorized is not a serious menace to health. Whether this contention is true or not has little to do with the case. The very extensive experiments conducted by Dr. Wiley resulted in conclusions that benzoate of soda was poisonous and injurious to health."

"Embalmed beef" was the term coined by the high official to apply to the canned meats furnished the Army in Cuba. It was later found that no preservative was present in the canned meats and that the sickness occurring in southern climates was due to errors in diet and climatic conditions and that the term "embalmed beef" was applicable to canned beef if applicable at all, only to a product perfectly sterilized by heat. But whether this contention is true or not has little to do with the case.

Benzoate of soda is in a similar position. The Reference Board of Consulting Chemists, the so-called "Remsen Board," decided that in small and even

in relatively large doses it had no deleterious effect. Whether true or not the press bureau will still call it a poisonous drug. Whether true or not benzoate of soda should be prohibited in food because the poisonous drug may conceal inferiority.

This is another hot air argument pressed into service on the spur of the moment, which will be punctured like the others from the same source.

It is entirely feasible to put many foodstuffs on the market in small containers without the use of antiseptics—chemical or condimental. One firm, a few years ago, demonstrated this fact. The public however did not take kindly to the goods as they would not keep on opening and even the small bottles would spoil before use. The method was therefore displaced by one which required sufficient antiseptic material to make the goods keep on opening.

This preservative, the firms using it will not disclose, and the merry war goes on between the users of benzoate of soda and the users of the unknown preservative which receives the O. K. of the U. S. Division of Chemistry. But the truth has little to do with the case. Let us tune our souls to the results on the theory that the all wise Father will bring good out of evil and use falsehood to establish the boundaries of truth.

## STATE SUPERVISION OF RESTAURANTS.

The late assistant food commissioner of Illinois, Mr. H. E. Schuknecht, performed one duty for which the State of Illinois ought to be profoundly thankful, namely, in proving in the courts that the food law of the state was applicable to food bought in restaurants as well as in grocery stores. And it surely is as important to the consuming public that the food they buy and use outside the original container when all information as to its quality, composition and origin as well as the sponsor for its appearance is lost, as it is that the food they buy in the original container is pure and correctly branded.

But the way as blazed by Mr. Schuknecht seems to have grown up with underbrush, the witness trees have been chopped down and the markings themselves almost, if not quite obliterated. No one has had the courage to follow the trail he so clearly cut.

The claim cannot be made that the restaurants are observing the law. In Chicago, at least, there is probably not a single restaurant where deception is not practiced and in the cheap restaurants, undoubtedly unwholesome meat and decayed fruits are placed before the consumer. The wagons of the dealer in diseased cattle stop at many of the cheaper restaurants. Horse meat is probably sold in Chicago or used on the free lunch counters, although the difficulty of tracing this commodity is recognized. Over ripe meats, particularly lobsters and fish, are frequently encountered. No where do people run more chances of ptomaine poisoning than in "first class" restaurants. The greater part of the complaints from this disease may be traced to food consumed in restaurants. Fortunately oysters in restaurants are reasonably reliable and only on rare occasions are decayed ones encountered, but pearls are found less frequently.

Cheap colored vinegar is put in cider vinegar bottles; an unknown concoction in "Old Reliable Ketchup" bottles. Cotton oil is dispensed where olive is ordered.

Not feeling well recently the writer visited a de-



partment store bargain counter restaurant and ordered French toast. It was served with either maple syrup or jelly, according to choice. The choice of the writer proved to be "imitation jelly." What it would have been had he ordered maple syrup is not difficult to predict. Across the street and but a few doors from the Food Commission is a restaurant which is one of a chain which caters to busy and hungry Chicago. "Strawberry Pie" has a pleasant sound, which altogether silences the jingle of a dime in one's pocket. But the pie when purchased proves to be made out of fruit which would have been utterly impossible to market in boxes even with a red mosquito bar netting over them. Every berry is decayed, looks it and tastes it. Then one is informed that a person suffering from cancer of the lip takes his meals there. It is only partially reassuring to be told that his cups are especially sterilized.

The milk sold in restaurants is universally diluted with water and the cream with milk. These abuses and many others too numerous to mention might be stopped by strict enforcement of law, either by City Board of Health or State Board of Health or State Food Commission.

The oleomargarine to which Mr. Schuknecht objected is and has been common in all Chicago restaurants even of the better grade, but that is but one and a minor offense. The bill lately introduced in the Pennsylvania legislature by some crank to require all imitation butter to be served on green plates with the words oleomargarine engraved on the bottom may sound a little tyrannical, but some drastic action seems necessary to protect the bread winners and stone getters of the country.

#### **EDITORIALETS FROM PENNSYLVANIA DEPARTMENT OF AGRICULTURE—MARCH INSTALLMENT.**

The world will be all the better when every suspicious substance has been eliminated from the food of the people.

After all the wise plan is to be on the safe side, eschewing all articles of food that contain suspicious preservatives.

The housemother who makes meal time one of the most fascinating periods of the day fastens husband and boys to the home with strong cords.

Men, women and children must eat to live; more than should be the case, many live to eat. Of such as these it has been truly said that they dig their graves with their teeth.

Optimists are hoping that the clouds at Washington will disappear and that the interests of the consumer will be considered as equally important with those of the manufacturer and vendor of food products.

#### **NATIONAL CONVENTION OF RETAIL GROCERS.**

The National Association of Retail Grocers hold their 1909 convention at Portland, Oregon, June 2-5. This will be the greatest gathering of retail grocers ever held in the United States. The association will fight the force trying to secure laws requiring the net weight to be placed on every package. The president of the association is Charles J. Kramer, Little Rock, Ark; secretary, John A. Green, Cleveland, Ohio.

#### **THE MUCK RAKE REVIVED.**

Congressman Steenerson of Minnesota has introduced a resolution in Congress demanding an investigation of the charge apparently made by himself that the new Secretary of the Treasury, the Hon. Franklin MacVeagh, formerly in business as a wholesale grocer, had suspended the operation of the food law in favor of the firm with which he was in the past connected. The Speaker of the Wisconsin Assembly, not to be outclassed as a muck-raker, exhibits in the Assembly certain goods said to have been put out by Franklin MacVeagh & Company, and said also to be adulterated or misbranded and claiming that through such fraudulent methods Franklin MacVeagh made his millions and demonstrated his fitness for the position of Treasurer of the United States.

Of course, Mr. MacVeagh severed his connection not only with his grocery business but with the several banks and enterprises with which he was prominently connected before he accepted the position tendered him by President Taft. However, he may, and doubtless does, still have a friendly feeling for these enterprises even though he has no financial interests involved.

As Secretary of the Treasury it is his duty to aid the Secretary of Commerce and Labor and the Secretary of Agriculture in making rules and regulations for the enforcement of the food law.

To this no exception can possibly be taken. The fact that he is somewhat familiar with the food business may be without precedent but it should not entirely disqualify him from a hand in making rulings for the conduct of the food business.

That Franklin MacVeagh & Company in the conduct of a large manufacturing and jobbing business handled some goods which were adulterated and misbranded or that became misbranded when new laws defining misbranding were made, is beyond dispute. There is no large wholesale grocery in the United States who has not at some time been caught with counterfeit and misbranded goods. Franklin MacVeagh & Company are no exception, but the House had an enviable reputation for good goods all over the western country and the reputation, like all lasting reputations, was deserved. No big business or honored name has been built up on bogus goods. The only possible fault we might find with Franklin MacVeagh & Company is that they have not recognized the value of THE AMERICAN FOOD JOURNAL in enlightening the public on the purity of their goods.

As to the goods paraded by the Speaker of the Wisconsin Assembly it is possible they may be authentic and as claimed, but Speaker Bancroft, not being a chemist, and with no reputation as a seer, should give authority for statements such as he made or place himself in company no self-respecting man wishes to join.

#### **NEW LEGISLATION IN WASHINGTON.**

The last legislature of Washington increased the responsibility of the Dairy and Food Department by adding an act for the purity of agricultural seeds. The legislature also increased the number of field deputies of the Department from three to six; four in the Dairy Department, one in the Drug Department and one in the Food Department.



### PERSONALITIES IMPERILING CONVENTION.

In a roundabout way we learn that Mr. Bishopp, former dairy commissioner of Colorado, has been appointed a committee to be responsible for local arrangement and to extend invitations to attend the coming convention of the Association of State and National Dairy and Food Departments in Denver.

It might be charitable to assume that the clique of Eastern Food Commissioners who are trying to again manipulate the convention for sinister ends, do not know that Colorado has now a Food Law and a well organized and financed Food Department; that they are not aware that even had Mr. Bishopp retained his position he could have had little influence in preparing a welcome for the association on a scale commensurate with the prominence of the association or the precedent established in the past even by Denver itself, when the delegates stopped for a day in the capital of Colorado on their way to the convention in Portland, Oregon, in 1902.

This assumption, however, is not tenable. Mr. Cannon, the first Colorado Food Commissioner, was himself in attendance at the last convention at Mackinac, taking a prominent part in the convention and tendered the invitation to hold the next convention in Denver, which invitation was accepted by the association. Mr. Bishopp, when first appointed, had about the same prestige as the former Dairy Commissioners and some technical education in his line, but never the political or business acquaintance to handle successfully a big convention, and now that the position is subordinate to the State Board of Health, it is practically without prestige. And in this matter at least Mr. Bishopp, although holding no official position, could do as much for the success of the association as he could if still commissioner, which would be practically nothing. And we wish it understood that we have the highest respect for Mr. Bishopp as a man and as a dairy expert.

The conclusion is forced upon us that the executive committee of the association were disgruntled by the stand of Commissioner Cannon at the last convention for the "open door" and publicity in the affairs of the association, which was a fatal blow to those who were accustomed to control the association by dark and secret sessions and star chamber proceedings.

We hold no brief for any member of the association, but from many expressions we have heard we believe it to be the desire of almost all the membership that the reception and local arrangement be placed in the hands of Mr. Cannon or other member of the Colorado State Board of Health, instead of a defunct subordinate official, and insure a pleasant and profitable meeting instead of a flat failure, as is inevitable under present arrangements. Common courtesy demands the recognition of Commissioner Cannon.

According to information received by the Department of Agriculture through the Department of State, the Belgian Government has issued a decree, effective May 1, removing the restrictions previously imposed against the importation of cattle from the United States because of the existence of foot-and-mouth disease.

Minnesota Dairy and Food Department received \$35,000 additional appropriation for its maintenance in the bi-annual appropriation of 1907.

### CANNON REAPPOINTED COMMISSIONER OF COLORADO.

Wilbur F. Cannon again demonstrated his ability in political ways when the executive committee of the Colorado State Board of Health announced his re-appointment to the office of State Pure Food Commissioner. Owing to the victory of the Democrats in the recent election there was considerable doubt whether Mr. Cannon would be appointed for another term. While there were numerous applications for the position, E. C. Soetje was easily the most aggressive and dangerous from the standpoint of the present incumbent and had the support of the city hall machine. Mr. Soetje is a druggist by birth and inclination, and now is in partnership with Mr. Bush in the firm of Bush & Soetje of Denver, Colo.

Both Ed. Soetje and Azel Bush were boyhood friends of the writer in different localities and at the time unknown to one another, and it was a pleasant surprise to learn that they were in partnership in business in Denver. While Mr. Soetje would undoubtedly have made an excellent food official (and we trust that he will still retain aspirations in that direction), in view of the good record of Mr. Cannon during his first term of office and his familiarity with the work, and above all on account of the coming convention of the Association of State and National Dairy and Food Departments in Denver on invitation of Commissioner Cannon, we think the retention of Mr. Cannon as chief food inspector to be a good move on the part of Colorado and helpful to the cause all over the country.

The following other appointments were made:

Bacteriologist, Dr. W. C. Mitchell; statistician, J. R. Hartner; file clerk, A. C. Courtney; clerk and stenographer, T. Taylor; chemist, E. C. Heil; inspectors, S. S. Bellesfield, Frederick Long, F. W. Lee, all of Pueblo; A. B. Coulter, Greeley; E. A. Ault, Delta; clerk, L. C. Fultz.

Bellesfield was a member of the sixteenth and seventeenth general assemblies. He will have charge of the food inspection in the southern part of the state.

Mr. B. D. G. Bishopp, Dairy Commissioner, has been succeeded by Mr. Robert S. Cochran. Other changes are predicted two years hence.

### FOURTEENTH ANNUAL CONVENTION OF THE NATIONAL WHOLESALE LIQUOR DEALERS' ASSOCIATION.

The Fourteenth Annual Convention of the National Wholesale Liquor Dealers' Association is to be held at Atlantic City, N. J., on June 15th, 16th and 17th, 1909.

From indications already on hand the convention at Atlantic City will show an attendance far in excess of any liquor convention that has ever been held in this country.

Special committees have been appointed for the various trade centers, the object of these committees being to interest the trade in the convention and secure a large attendance.

#### ATTENDANCE COMMITTEE.

Baltimore, Md.—

John G. Binford, Chairman, Higsspire Distillery Co.  
A. K. Rogers, Wm. Rogers & Son.



Sig. M. Goodman, The Fleischmann Co.  
New York City—

Arthur L. Strasser, Chairman, N. Y. State W. L. D.  
Ass'n.

Thomas Leoser, Secretary, Leoser Bros. & Gilmore.

Alfons Wile, Julius Wile Sons & Co.

George C. Howell, Samuel Streit & Co.

Henry Steinhardt, Steinhardt Bros. & Co.

Joseph A. Strasser, Steinhardt Bros. & Co.

Irving K. Taylor, W. A. Taylor & Co.

Benjamin Ripin, Ripin & Company.

Frank T. Hearn, John Burke Importing Co.

Philadelphia, Pa.—

Edward Trainer, Chairman, Edward Trainer & Co.

E. B. Showell, Showell, Fryer & Co.

H. I. Bissinger, Mr. Angelo Myers.

J. H. Carstaris, Stewart Distilling Co.

Emil Cauffman, Emil Cauffman & Co.

Chicago, Ill.—

Thomas C. Dennehy, Chairman, Chas. Dennehy  
& Co.

Leo Straus, Straus Bros. & Co.

Christ Jensen, Christ Jensen.

Philip Freiler, Elgin, Ill.

A. F. Madlener, F. Madlener, Inc.

M. W. Murphy, Delaney & Murphy.

F. Diehl, Grommes & Ullrich.

Leon Hamburger, The Hamburger Co.

Adolf Stein, Stein Brothers.

Cincinnati, Ohio—

Lee F. Westheimer, Chairman, Ferd. Westheimer  
& Son.

F. P. Thomas, Secretary, Peacock Distillery.

Samuel Klein, Klein Brothers.

Julius W. Freiberg, The Freiberg & Workum Co.

Max Hirsch, Star Distilling Co.

Sig. Freiberg, Sig. and Sol. H. Freiberg.

Chas. H. Rosenthal, Chas. H. Rosenthal & Co.

I. Newton Trager, The I. Trager Co.

Max Lowenstein, Standard Distg. Co.

Harry A. Rheinstrom, Rheinstrom Brothers.

Pittsburg, Pa.—

F. L. Keelan, Chairman, W. L. D. Ass'n of Pa.

Otto Frey, Otto Frey.

Louis J. Adler, Louis J. Adler & Co.

Theodore Stein, Samuel P. Haller.

Isaac Guckenheimer, A. Guckenheimer & Bros.

Louisville, Ky.—

Marion E. Taylor, Chairman, Wright & Taylor.

Stanley Bronner, Secretary, Wine and Spirit Bul-  
letin.

W. C. Wheeler, C. P. Moorman & Co.

N. A. Wathen, R. E. Wathen & Co.

Louis Salomon, S. Grabfelder & Co.

Edwin Chase, E. H. Chase & Co.

Rudy Vogt, Vogt-Applegate Co.

Bernhardt Bernheim, Bernheim Distilling Co.

Morris Sachs, D. Sachs & Sons.

E. M. Babbitt, The H. A. Thierman Co.

St. Paul, Minn.—

W. L. Perkins, Chairman, W. L. Perkins & Co.

Joseph M. Davis, Minneapolis, Minn.

Louis Loeb, L. S. Loeb & Co.

George G. Benz, Geo. Benz & Sons.

### THE CORN SYRUP DECISION IN WISCONSIN.

The Corn Syrup Cases, brought by the Food Commissioner of Wisconsin against T. H. Grady and George McDermott, and which were tried during the holidays, were decided on April 16, 1909, by Judge Stevens of the Circuit Court in Madison, and the defendants found guilty.

The facts in the case are that both of the defendants sold corn syrup under the name of "Corn Syrup," while the statute of Wisconsin requires corn syrup to be sold under the name of "Glucose."

Both cases were defended vigorously on the theory that the law of Wisconsin is unconstitutional, because, the defendants claimed, that inasmuch as corn syrup is a syrup made from corn, the label "Corn Syrup" was not false and that they had a constitutional right to use that name. They also contended that the name "Glucose" is obnoxious to the trade and does not convey to the consumer an accurate impression of the character of the product, and any law requiring corn syrup to be sold under the name of glucose has the result of injuring the sale of the product on account of the misunderstanding in the minds of the consumers regarding the nature of the product, and is therefore an unreasonable law.

The government officials have ruled that the name "Corn Syrup" is a legal name under the National Food Law for the product involved in the Wisconsin cases. The defendants reasoned that if the name is not a false name the legislature of Wisconsin had no power to prohibit any citizen from using that name.

On account of the importance of the question it is highly desirable that the matter be passed upon by the Supreme Court of Wisconsin, because the cases are test cases. If the decision of the Judge had been in favor of the defendant the case could not have gone any higher, because the state has no right to appeal a criminal case where the defendant is found not guilty. Therefore, while the decision of the Circuit Court is a temporary defeat for the Corn Products Refining Company, that company claims the decision is satisfactory to it, because of the fact that a very complete record has been made, and the matter can now be passed upon by the Supreme Court of that state.

### REPORT OF IDAHO COMMISSION.

The third biennial report of the Idaho State Board of Drug, Food & Oil Commission contains the report of A. McPherson, secretary, in which disbursements and receipts are recorded. This report shows \$8,000 appropriation against which is drawn \$3,623.92, leaving balance on hand November 7, 1908, \$4,376.08. J. R. Field, commissioner, pleads that his office be separated from that branch having the horticultural work in hand that he may give more attention to food work.

Two short articles are printed on this report, one entitled "Intensive Farming in Idaho," by Alex. McPherson, and another, "The Dairy Industry in Idaho," by Mr. French. More than one-half the report consists of a copy of rules and regulations.

Judge Penfield, formerly solicitor, Department of State, and an authority on international law, died May 9, 1909.



### THE MAPLEINE CASE.

The case of the United States of America vs. 300 cases of "Mapleine" was tried in the United States Court in Chicago, before Judge Sanburn, of Madison, Wisconsin, during the week of April 25th. The trial of the case started on April 28th and finished on May 1st.

The charge of the government was that each shipping case was illegally labeled on the outside with the words "Crescent Mapleine." This name stood alone and unmodified on the outside of the shipping case, but the cartons and bottles on the inside of the shipping case, there being three dozen two-ounce bottles in each shipping box, were labeled so as to show what "Mapleine" was, as follows:

"Mapleine, a Vegetable Product Producing a Flavor Similar to Maple."

The government food officials and the United States Attorneys refused to consider the labeling of the cartons and the bottles, which a consumer would see and read, and limited their charge to the unmodified words "Crescent Mapleine" on the outside of the shipping box, and claimed that those words would indicate that the product contained maple, when in fact it contained no maple whatever, but would produce a flavor similar to maple.

The defendant, Crescent Manufacturing Company, contended in the trial of the case that the most important point to be considered was whether or not the label appearing on the small two-ounce package, which the consumer would buy, would mislead that consumer. The product is sold in two-ounce bottles. It is a black, thin liquid. Of itself it is unpalatable and will only produce a maple flavor when mixed in a small proportion with cane sugar or cane syrup. Of itself it does not taste like maple nor look like maple, and it is not sold in any package that any maple product is sold in, and there is no maple product like it on the market. The defendant claimed that all of these points should be taken into consideration in determining whether or not the product would deceive anyone. But the government obstinately opposed the introduction of any evidence on any matters or things aside from the bare name on the outside of the shipping box.

The Judge ruled that in determining whether the name "Mapleine" used on the outside of the shipping case was false or otherwise, the label on each individual carton and bottle that the consumer would see, should be taken into consideration. He then admitted in evidence the labels on the individual cartons and bottles, over the objection of the government.

Defendant also contended that the name "Mapleine" was distinctive. The regulations of the government prescribe that a distinctive name must not give any false indication of the origin of the product. But the Judge ruled that a distinctive name might give a false indication of the origin of the product if the product has become generally known under that distinctive name, and that in such a case it would be legal to use such a distinctive name, because no one could be deceived on a product commonly known.

There was a lot of evidence introduced on both sides as to the meaning of the word "Mapleine," and also as to whether or not it would deceive anyone. The witnesses differed on this point, but with some slight exceptions no evidence in the case showed that the product had ever in any way deceived anyone, although there had been over a million packages of it

put on the market. One exception was a woman who testified she thought the product contained maple from the name of it. She, however, had not been induced to buy it from its name, but had bought it on the recommendation of a friend. Some other women testified they thought the name indicated that the product had something to do with maple.

The case was tried before a jury, and in the instructions to the jury the Judge was very broad and liberal to both sides in his rulings. The main thing contended for by the defendant was that the entire contents of the box should be taken into consideration in determining whether the name on the outside of the shipping box was false or not, and the Judge instructed the jury that they might take into consideration the individual cartons, the bottles and the labels thereon. On the other hand, the government contended that the main question was whether or not the product or its package was labeled falsely or deceptively or in a misleading manner in any particular. It was with these words, "any particular," that the jury seemed to have the most trouble, because the name "Mapleine," standing out by itself on the shipping box, was one particular in which the jury seemed to think the article was labeled in a misleading manner.

The jury took the case at 4 o'clock on Friday and reached a decision at half-past 11 Saturday morning, having come into court several times for further instructions as to the law.

The verdict of the jury was "guilty."

The Crescent Manufacturing Company immediately took the matter up with the Board of Food & Drug Inspection in Washington, and an understanding was reached with the government whereby the name "Mapleine" may still be used on this product, by modifying it with words plainly showing it to be an imitation maple flavor. It is not likely that the case will be appealed in view of the agreement with the government as to future labeling.

The attorneys in the case were Mr. Legg and Mr. Childs, for the government; and Mr. J. Long and Mr. Lannen and Mr. Hickey for the Crescent Manufacturing Company.

### PURE SHOE LAWS.

R. B. McCarthy Shoe Company, Lynn, Mass., has written to Congressman Gardner approving his course in standing for a pure shoe law. During the debate on the tariff in the House, Champ Clark of Missouri stated that he intended to introduce a pure shoe bill and asked Mr. Gardner if he would vote for it. Mr. Gardner replied that he would, but he expected the people in his district "would take his head off."

Mr. Clark has not yet got around to introducing his bill. It is understood that he has not prepared it.

The R. B. McCarthy Shoe Company approves of pure shoe legislation and has written to Congressman Gardner in support of it.

The pure shoe law, which was introduced into the legislature of Missouri, Champ Clark's own state, has been defeated. All the shoe manufacturers opposed it. Their ground was that the law should be national to be effective.

### INSPECTOR KLEINHANS CLEANING UP KANSAS

#### Unsanitary Hotel.

Charles Nordene, proprietor of the Harrison House, Clay City, Kansas, was arrested for running an unsanitary place, under the new hotel law. The court fined him \$100 and cost. The complaint was made by Inspector Kleinhans, under the new hotel law passed at the session and which was indorsed by the United Commercial Travelers of Kansas. The hotel was closed for a general clean up as each day left open under the law constitutes another offense if the inspection is not complied with.



# The Influence of Sodium Benzoate on the Nutrition and Health of Man.

(Released for Publication May 15th, 1909.)

The complete report of the Referee Board on benzoate of soda, issued as Report No. 88, U. S. Department of Agriculture, is at hand, with liberty to publish after May 14, 1909.

It comprises the results of three separate investigations:

1st. An experimental study of the influence of sodium benzoate on the nutrition and health of man, by Russell H. Chittenden of the Sheffield Scientific School, Yale University.

2d. Investigation on the effect of sodium benzoate on the health and general metabolism of man, by John H. Long, of Northwestern University.

3d. The action of sodium benzoate on the human body, by Dr. Christian H. Herter, of Columbia University.

The report is accompanied with complete analytical and clinical data and numerous charts, and is supplied with an appendix containing the bibliography and a brief review of the literature on the subject.

It is impossible to present in any brief form the facts as ascertained, and it may only be advisable to say that the finding and final conclusions of the board are in entire harmony with the detailed observations. These findings have already been published in this journal. It is apparent, too, that the same general result was obtained by each investigator, although approaching the question from somewhat different standpoints and by pursuing somewhat different methods.

## PROF. CHITTENDEN'S CONCLUSIONS.

Thus Prof. Chittenden, from the mass of data obtained, draws the following conclusions:

### GENERAL CONCLUSIONS.

Due consideration of all the data presented in the preceding pages, together with careful study of the individual data of the various tables of results, leads to the following general conclusions: Sodium benzoate, in small and large doses, up to a maximum of 4 grams per day, is without disturbing influence upon the general health of the individual, so far as can be seen from clinical observations. There was no attendant loss of body weight; neither was there any disturbance of digestion, assimilation, or utilization of either the fat or protein food. Indeed, the subjects of our experiment showed a gain of weight and even an improved condition of digestion during the period of the experiment in which the action of sodium benzoate was tested.

Again, there was no deleterious influence on the part of sodium benzoate upon the blood, either on the number of erythrocytes, leucocytes, or the hemoglobin content of the blood.

Upon the less tangible processes of metabolism as indicated by the quantitative study of the urine, etc., there is no indication of any marked action. No changes of any special significance were to be noted during the period when sodium benzoate was fed even in large doses, aside from a slight effect on the reaction of the urine, so that the conclusion is obvious that sodium benzoate does not exert, in small or large

doses, any pronounced influence upon the processes of metabolism or of nutrition.

Sodium benzoate is without effect upon the production of nitrogen balance. Throughout our experiment a plus nitrogen balance was easily maintained, and in such fashion as to clearly indicate that sodium benzoate does not exert any harmful or disturbing influence.

In our judgment, therefore, based on the character of the results obtained in this study of the action of sodium benzoate on the general health and nutrition of man, there is no suggestion of any pronounced effect whatever produced by the salt in such doses as we have employed. We are of the opinion that sodium benzoate, in small and large doses, up to a maximum of 4 grams per day, is no more harmful or provocative of disturbance of the human organism than corresponding amounts of sodium chloride or common salt.

This conclusion, while based entirely upon the results of our investigation, is in close harmony with what is known regarding the occurrence of benzoyl-containing radicals in many natural products, which have long served as useful foods for mankind. As our results show, in harmony with well-known facts, the ordinary diet of man contains a sufficient amount of benzoic acid or kindred substances to give rise to appreciable quantities of hippuric acid in the urine. Further, huckleberries, cranberries, and other related fruits well recognized as noninjurious to health have in them amounts of benzoyl radicals sufficient to form quantities of hippuric acid in the urine larger than the small doses of sodium benzoate fed in our experiment; thus making it apparent that some natural foods at least contain quantities of benzoate, or related substances, in amount equal to what was fed in our daily dosage with sodium benzoate, and that the system is well inured to the presence of moderate quantities at least of this aromatic group.

Finally, it may be added that the results of our experimental study make it evident that the admixture of sodium benzoate with food does not lead to any reduction in the quality or strength of such food; neither is the food injuriously affected thereby when the salt is added in small quantities or in large quantities, up to a maximum of 4 grams per day. Were the contrary true, we should expect to find in our experimental results indications of either a disturbance of digestion, an inhibition of the normal power to digest and assimilate the food treated with sodium benzoate together with a tendency toward the production of a minus nitrogen balance, with possible loss of body weight.

## PROF. LONG'S CONCLUSIONS.

Prof. John H. Long concluded from a consideration of figures on 268 closely printed pages as follows:

### GENERAL CONCLUSIONS.

In the preceding pages I have presented various kinds of data bearing on the question of the action of sodium benzoate on the human organism. In the chemical determinations on the urine and feces it was not found that any change in the normal metabolism



followed; there was no alteration in the distribution of the nitrogen of the urinary constituents, and no decrease in the utilization of the protein or fat of the food. I am unable to find any alterations in the qualitative composition of the urine as shown by the various special tests made.

In the bacteriological and other tests carried out in the feces, which were extended to a considerable length, no essential change from the beginning of the fore period to the end of the high preservative period was discovered. There were fluctuations, but they were not systematic, and varied with the individuals rather than with the dosage. It is fair to conclude that the action of the benzoate, in the amounts used, on the intestinal activities or on the characteristic flora must be, at most, extremely slight.

The prolonged clinical observations recorded are intended to show clearly the actual conditions of the men from day to day. I consider them of equal importance with the chemical tests made, for the purpose of this inquiry. But one conclusion may be drawn from them, and that is that the health of the men has suffered no impairment through the use of the benzoate in the period of the observations. I believe, further, that the period is long enough to show change were it likely to occur.

In conclusion it must be said, then, that the experience in our laboratory justifies the statement that the moderate addition of sodium benzoate to our food, up to at least 1 gram daily, does not give rise to any abnormal conditions in the subject, or lead to any changes in metabolism which may be detected with the means at our command.

It follows, further, from the same observations, that such addition of benzoate to the food does not lower its value by robbing it of any element, by diminishing its digestibility, or by introducing a factor which modifies in any discoverable way the normal metabolism. The quality or strength of the food is not lowered or injuriously affected through the presence of the preservative, and this is true for large quantities as well as for small, since the amounts of preservative used in our experiments must all be considered large from the standpoint of actual use.

#### DR. HERTER'S CONCLUSIONS.

Dr. Christian A. Herter draws the following conclusions:

#### SUMMARY OF CONCLUSIONS RELATIVE TO THE GROUP OF PERSONS (FOUR CASES) ON WHICH THIS INVESTIGATION IS BASED.

In stating the general conclusions relative to the action of sodium benzoate on the human body it is necessary to distinguish between the effect of small doses (under 0.5 gram daily) and the effect of large doses (over 0.5 gram daily).

#### ACTION OF SMALL DOSES OF SODIUM BENZOATE.

The following general conclusion may be drawn: No action from small doses of sodium benzoate was detectable by the methods used in this investigation in respect to the following physiological features:

- (1) The general health of the subject as indicated by subjective and objective signs.
- (2) The composition of the urine (with one exception, viz., the physiological effect on the hippuric acid excretion).
- (3) The composition of the feces.
- (4) The absorption of fats and the fat balance.

(5) The character of the bacteria of the intestinal tract.

- (6) The weight of the body.
- (7) The hemoglobin of the blood.
- (8) The red blood cells.
- (9) The white blood cells.

The observed rise in hippuric acid of the urine was such as was to be expected from the well-known metabolism of benzoic acid in the animal organism.

The methods used in this investigation are confidently believed to be sufficiently varied in scope and sufficiently searching in their specific qualities to have revealed significant modifications of normal physiological processes had such modifications been induced by the use of small doses of sodium benzoate.

The only noteworthy modification of a physiological process which was detected was the rise in the excretion of hippuric acid. This rise cannot be regarded as having any pathological significance, since it falls well within physiological limits of function, such as are observable after the free use of natural food (e. g., certain fruits and berries) rich in benzoic acid. Moreover, there is no evidence that the process of synthesis of benzoic acid and glycocholic acid to hippuric acid entails any direct or indirect effects of a detrimental nature on any part of the human organism, even when the quantity of benzoic acid ingested is larger than that employed in our "low benzoate" period, or indeed in our "high benzoate" period. And, finally, there is no reason to suppose that the synthesis and excretion of hippuric acid in the amounts observed in our "low benzoate" experiments has any injurious effect on the organism even when excretion in such amounts is prolonged for months or years.

The failure to detect significant departures from any physiological processes may safely be taken as a practical certainty that none of the experimental subjects who submitted themselves to our investigation derived any injurious effects therefrom. The fact that the composite curves made from our subjects to indicate the body weight and the hemoglobin percentage show a rise both in weight and in hemoglobin for the entire benzoate experiment (low benzoate period and high benzoate period) is a practical and obvious confirmation of this conclusion derived from two important indices of physiological well being or health.

#### ACTION OF LARGE DOSES OF SODIUM BENZOATE.

It may be stated that no definite physiological consequences of large doses of sodium benzoate were detectable by the methods employed in this investigation except in the following instances:

(1) There was a considerable or large rise in the hippuric acid excretion, such as would be expected from the doses of sodium benzoate ingested. The significance of this rise has been discussed at sufficient length in the preceding section dealing with small doses of sodium benzoate.

(2) There was an increase of the indican of the urine, not great but unmistakable. This rise, discernible in all four subjects, seems attributable to an action of the sodium benzoate, as other known factors in the experimental conditions fail to satisfactorily account for it. It is perhaps attributable to a slight irritant action on the gastroenteric tract, so altering the secretions or bacteria (or both) as to favor intestinal putrefaction.

(3) There was a depression of the gas-forming function of the mixed fecal bacteria.

(4) There was a moderate but apparently unmis-



takable rise in the proportion of coccal bacteria observed in the fermentation tube sediment derived from the inoculation of the mixed fecal flora. The precise significance of this phenomenon and of the depression in gas production noted in paragraph (3) is not known, but both conditions are frequently associated with slight or pronounced inflammatory affections of the gastro-enteric tract.

(5) There was a distinct rise in the free hydrochloric acid of the gastric juice. In relation to this feature, Dr. J. S. Thacher makes the following comments:

"On reviewing the findings, one result appears rather striking, the marked and, after the first few weeks, fairly continuous increase in the amount of free hydrochloric acid. The observations which I have included among the charts showing the effect of the addition of benzoate of soda to specimens of gastric contents demonstrated, as was to be expected, that the direct effect of such addition is to diminish the amount of free hydrochloric acid. The low figures for free hydrochloric acid in the early weeks and their later increase might possibly be accounted for in part by the nervous disturbance associated with the unaccustomed procedure of gastric expression and the later diminution of this disturbance as the subject became accustomed to the procedure, but I do not believe that this can account for the great and steady increase in the amounts of free hydrochloric acid." (Excerpt from letter of Dr. J. S. Thacher, dated December 16, 1908.)

If it were necessary to give an opinion as to the cause of the deviations, for the most part slight deviations, from physiological functions, which should account for the phenomena noted in paragraphs 2, 3, 4, and 5, we would offer the hypothesis that the phenomena in question are best accounted for on the supposition that the gastroenteric mucosa in some part of its course had been subjected to slight stimulant or irritative action and that this action was exerted by the continued use of rather large doses of sodium benzoate.

#### THE TWENTY-THIRD ANNUAL REPORT OF THE DAIRY AND FOOD COMMISSION OF OHIO.

Twenty-three years of active enforcement of food laws is a good record for Ohio. Many of the latter day converts to the cause of pure food will be astonished to learn that food laws were enforced before they entered college. One might think with such a long and successful record behind him Commissioner Dunlap would have no trouble in the enforcement of law. Not so. Commissioner Dunlap notes three lions in the way.

The first hindrance to the enforcement of food laws he finds is the lack of uniformity between the laws of the different states and between those of the states and the federal government. Owing to the varied conditions throughout the United States and the wide difference of opinion as to what these laws should be, how they should be enforced and who should enforce them, the various law-making bodies will probably never get entirely together and enact absolutely uniform laws. However, it is possible to secure uniform laws on some subjects, and also to come nearer uniformity on all than at present. It is not meant by this that the states should necessarily make their laws conform to the federal law. It is generally conceded that Ohio now has laws in many respects superior to

the federal. There is no reason why the state departments should not co-operate with the federal in the enforcement of food and drug laws, and also in securing laws which will be effective, satisfactory and more nearly uniform.

The second hindrance to the best enforcement of state food and drug laws is the much talked of "Guaranty Clause." This guaranty clause may assist the federal government in the enforcement of the federal law, but it is certainly an obstacle to the enforcement of some state laws. No one is benefited by this clause, unless it is the manufacturers.

The third hindrance is stated to be the difficulty of the chemist distinguishing small amounts of adulteration in food stuffs.

Several helps in the enforcement of food laws are specified, the most important of which is publicity. "Publicity," says Commissioner Dunlop, "is a great help in the enforcement of food and drug laws. A small fine is easily paid and soon forgotten, but a public condemnation of a certain brand of goods not only affects present dividends, but is very likely to affect those of the future and, in some cases, drives the dishonest manufacturer entirely out of business. While publicity is a powerful weapon to the commissioner, it is one which should be used with great care and judgment, for a single mistake might ruin a legitimate and worthy industry.

Public exhibits are also valuable aids in informing the people as to what is being adulterated and how to avoid being defrauded in purchasing food supplies. When the consumer is educated to distinguish the good from the bad, then the laws will be easy of enforcement, as no manufacturer will produce goods for which there is no demand.

1897 samples were analyzed during the last year and 91 prosecutions brought. The financial statement shows an expenditure of \$27,531.40. Fines and other collections, \$2,566.20, and a balance on hand over appropriation, of \$11,629.97.

F. I. D. 107.

Issued April 27, 1909.

## United States Department of Agriculture

OFFICE OF THE SECRETARY  
BOARD OF FOOD AND DRUG INSPECTION

### FOOD INSPECTION DECISION 107

#### DECISION OF THE ATTORNEY-GENERAL IN REGARD TO THE LEGALITY OF THE REFEREE BOARD.

The decision of the attorney-general in regard to the legality of the referee board is hereby promulgated as food inspection decision No. 107.

James Wilson,  
Secretary of Agriculture.

Washington, D. C., April 22, 1909.

Department of Justice,  
Washington, April 14, 1909.

The Honorable The Secretary of Agriculture.

Sir: I am in receipt of your favor of the 23d ultimo, asking my opinion with respect to (1) the legality of the appointment by you of five scientific consulting experts to give you necessary advice upon questions arising in the enforcement of the food and drugs act, June 30, 1906, whose salaries



and expenses you have directed to be paid from the appropriation "Laboratory, Department of Agriculture" (34 Stat., 1271); and inquiring specifically (2) whether you were, on February 20, 1908, authorized to form these five consulting experts into a board, and to pay the expenses incident to the investigations made by such board at your direction, including the compensation of necessary laboratory helpers, the purchase of material, etc., and (3) whether section 9 of the sundry civil act, approved March 4, 1909, or any subsequent legislation has impaired the legal status of the appointments and of the organization of the board, or affected the right of the experts so appointed and organized, to receive compensation for their individual service, or affected your powers to appoint assistants, laboratory helpers, etc., to assist the members of the board, and to incur expenses for necessary material, etc., all to be paid until June 30, 1909, from the appropriation "Laboratory, Bureau of Chemistry, 1909" (35 Stat., 260), and subsequently from the appropriation "General Expenses, Bureau of Chemistry, 1910" (act entitled "An act making appropriations for the department of agriculture for the fiscal year ending June thirtieth, nineteen hundred and ten," approved March 4, 1909).

1. As to the legality of the appointment. The food and drugs act, after prohibiting the introduction into any state or territory, or the District of Columbia, from any other state or territory or the District of Columbia, or from any foreign country, or shipment to any foreign country of any article of food or drugs which is adulterated or misbranded, within the meaning of the act, enacts in section 2:

That the secretary of the treasury, the secretary of agriculture and the secretary of commerce and labor shall make uniform rules and regulations for carrying out the provisions of this act, including the collection and examination, of specimens of foods and drugs manufactured or offered for sale in the District of Columbia, or in any territory of the United States, or which shall be offered for sale in unbroken packages in any state other than that in which they shall have been respectively manufactured or produced, or which shall be received from any foreign country, or intended for shipment to any foreign country, or which may be submitted for examination by the chief health, food or drug officer of any state, territory, or the District of Columbia, or at any domestic or foreign port through which such product is offered for interstate commerce, or for export or import between the United States and any foreign port or country.

Section 3 enacts:

That the examinations of specimens of food and drugs shall be made in the bureau of chemistry of the department of agriculture, or under the direction and supervision of such bureau, for the purpose of determining from such examinations whether such articles are adulterated or misbranded within the meaning of this act; and if it shall appear from any such examination that any of such specimens is adulterated or misbranded within the meaning of this act, the secretary of agriculture shall cause notice thereof to be given to the party from whom such sample was obtained. Any party so notified shall be given an opportunity to be heard, under such rules and regulations as may be prescribed as aforesaid, and if it appears that any of the provisions of this act have been violated by such party, then the secretary of agriculture shall at once certify the facts to the proper United States district attorney \* \* \*.

The statutes of the United States do not provide for the creation of the bureau of chemistry in the department of agriculture. The existence of such bureau is recognized in the appropriation acts, and in the act entitled "An act to make appropriations for the department of agriculture for the fiscal year ending June thirtieth, nineteen hundred and eight" (34 Stat., 1271), under the head of "Bureau of Chemistry" appropriations are made for the salaries of "One chemist, who shall be chief of the bureau," and a certain number of clerks, laborers, messengers, etc., after which, under the subheading of "Laboratory, Department of Agriculture," a lump sum appropriation was made for "necessary expenses in conducting investigations in this bureau, including \* \* \* work in such investigations, in the city of Washington and elsewhere \* \* \*; for the employment of additional assistants and chemists, when necessary \* \* \*; to investigate the composition, adulteration and false labeling, or false branding of foods, drugs, beverages, condiments and ingredients of such articles, when deemed by the secretary of agriculture advisable \* \* \*. For all expenses necessary to carry into effect \* \* \* [the food and drugs act] \* \* \* employing such assistants, clerks and other persons as the secretary of agriculture may consider necessary for the purposes named \* \* \*." The act of March 4, 1907 (34 Stat., 1280), passed

at the same session with the appropriation act above referred to, expressly authorizes the Secretary of Agriculture—

"to make such appointments, promotions, and changes in the salaries, to be paid out of the lump funds of the several bureau, divisions, and offices of the Department as may be for the best interests of the service: Provided, That the maximum salary of any classified scientific investigator in the city of Washington, or other employe engaged in scientific work, shall not exceed three thousand five hundred dollars per annum. And the Secretary of Agriculture is hereby authorized and directed to pay the salary of each employe from the roll of the bureau, independent division, or office in which the employe is working, and no other: Provided, however, That details may be made from or to the office of the Secretary when necessary and the services of the person whom it is proposed to detail are not required in that office; and he is further authorized and directed to submit to Congress each year a statement covering all appointments, promotions, or other changes made in the salaries paid from lump funds, giving in each case the title, salary, and amount of such change or changes, together with reasons therefor. (34 Stat., 1280.)"

Pursuant to the provisions of Section 2 of the Food and Drugs Act, the Secretary of the Treasury, the Secretary of Agriculture, and the Secretary of Commerce and Labor, on October 17, 1906, promulgated certain rules and regulations for carrying out the provisions of the act. Regulations 3 and 4 dealt with the collection of samples and the methods of analysis. Regulation 5, "Hearings," is as follows:

"(a) When the examination or analysis shows that the provisions of the Food and Drugs Act, June 30, 1906, have been violated, notice of that fact, together with a copy of the findings, shall be furnished to the party or parties from whom the sample was obtained or who executed the guaranty as provided in the Food and Drugs Act, June 30, 1906, and a date shall be fixed at which such party or parties may be heard before the Secretary of Agriculture or such other official connected with the food and drug inspection service as may be commissioned by him for that purpose. The hearings shall be private and confined to questions of fact. The parties interested therein may appear in person or by attorney and may propound proper interrogatories and submit oral or written evidence to show any fault or error in the findings of the analyst or examiner. The Secretary of Agriculture may order a reexamination of the sample or have new samples drawn for further examination.

"(b) If the examination or analysis be found correct the Secretary of Agriculture shall give notice to the United States district attorney as prescribed \* \* \*."

The appropriation act of 1908 (35 Stats., 251, 261) made appropriations for the fiscal year ending June 30, 1909, and contained provisions in the lump sum appropriation for "Laboratory, Department of Agriculture," similar to those above quoted from the act of 1907, except that the sentence "for the employment of additional assistants and chemists" was not included in the enumeration of the objects for which the lump sum appropriation was made.

The appropriation act of 1909 (Public No. 330) contains similar provisions to those above cited from the act of 1908. Under these acts, I am clearly of the opinion that the Secretary of Agriculture was empowered to employ in the Bureau of Chemistry such additional assistants and chemists as he should deem necessary to investigate the composition, adulteration, and false labeling, or false branding of foods, drugs, beverages, condiments, and ingredients of such articles, when deemed advisable by him, and such assistants "and other persons" as he might deem necessary to carry into effect the Food and Drugs Act.

The form of appointment which you made, which accompanies your letter, shows that you appointed each of certain persons "consulting scientific expert to the Secretary of Agriculture, to aid in enforcing the provisions of the" Food and Drugs Act, in the Department of Agriculture, at a salary of \$25 per day, for days actually employed, to be paid from the appropriation "Laboratory, Department of Agriculture, General Expenses, Bureau of Chemistry," to perform such duties as should be required by the Secretary. While the form of appointment does not expressly specify that the expert is employed as a part of the Bureau of Chemistry, that fact is implied from the specification of the fund from which he is to be paid. In my opinion these appointments were expressly authorized by the acts of Congress referred to.

2. You further inform me that you organized the five persons so appointed into a board called the "Referee Board," and that you imposed upon them the duty to consider and report to you upon the wholesomeness, or the deleterious



character, of such foods, or of such articles used in foods as you might refer to them. I do not understand from your communication that you conferred upon this so-called Referee Board any *power*. Their sole function was to investigate and report to you, and their detail to your office is justified in the provision of the act of March 4, 1907, above quoted. The purposes for the employment of these gentlemen, and the organization of them by you into a board, are set forth in your letter. You point out that it was to enable you to have recourse to the disinterested and unbiased advice of eminent and expert chemists whenever a serious conflict of opinion may arise as to the deleteriousness of any particular article or substance added to food. It is, of course, apparent that in the administration of a statute of such far-reaching effect as the Food and Drugs Act, the ordinary investigation and conclusions of the Bureau may be disputed by interested parties, and Section 4 of the act provides for a rehearing by the Secretary of Agriculture whenever the conclusion of the Bureau is disputed. The Secretary would naturally desire to reach a right conclusion as to such matters and not subject the owners of articles affected by the ruling and litigation if any error should have been committed by the Bureau, and Congress would seem to have had that in mind in providing in the lump sum appropriations of 1907 and 1908 for the employment of "such assistants, clerks, and other persons, as the Secretary of Agriculture may consider necessary for the purposes named"—i. e., the investigation of the composition, adulteration, and false labeling, or false branding, of foods, drugs, beverages, etc., when deemed by him advisable. Your right to appoint any one of these men for that purpose can scarcely be seriously disputed under the provisions of the act above referred to, and, in my opinion, you were entirely justified in directing them to confer and act as a committee or board in advising you with respect to the enforcement of the act.

3. The act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and ten, and for other purposes," approved March 4, 1909 (Public No. 328), contains the following provision:

"Section 9. That hereafter no part of the public moneys, or of any appropriation heretofore or hereafter made by Congress, shall be used for the payment of compensation or expenses of any commission, council, board, or other similar body, or any members thereof, or for expenses in connection with any work or the results of any work or action of any commission, council, board, or other similar body, unless the creation of the same shall be or shall have been authorized by law; nor shall there be employed by detail, hereafter or heretofore made, or otherwise personal services from any executive department or other government establishment in connection with any such commission, council, board, or other similar body."

You inform me that since this enactment a question has been raised as to your right to cause payments to be made to the above-mentioned experts, and you ask my opinion as to whether or not such objections are well founded. In my opinion this section last quoted does not repeal the provisions of the appropriation act passed at the same session, authorizing the Secretary of Agriculture to employ "such assistants, clerks, and other persons as he may consider necessary" to enable him to carry into effect the provisions of the Food and Drugs Act, nor to submit to a number of persons appointed pursuant to that act, to consider jointly as a committee or board, and report to him for his information any question upon which he is by law required to take action arising under that act. The commissions or boards referred to in Section 9 of the act of March 4 1909 are commissions or boards constituted without authority of law and I can not conceive that it could ever be construed to prohibit the head of a Department from submitting to the concurrent investigation and report of several employees of his Department any question which he might submit for investigation to any one of them. Inasmuch, therefore, as the employment of experts of the character referred to by you is authorized by law, and appropriations made out of which they may be paid for their services, as above set forth, I am of the opinion that neither Section 9 of the sundry civil act, approved March 4, 1909, above referred to, nor any other legislation to which my attention has been called, has affected your right to employ such experts or submit to their joint investigation and report, any question of fact affecting the adulteration or misbranding of articles concerning which any party from whom such articles have been obtained is entitled to be given an opportunity to be heard under the provisions of Section 4 of the Food and Drugs Act.

## COMMERCIAL AND MEDICINAL DRUGS.

BY DR. THEO. WETTERSTROEM, CHEMIST OHIO DAIRY AND FOOD COMMISSION.

Although the Pharmacopœial convention adopted resolutions to standardize only medicinal substances in the Pharmacopœia some nine years ago, yet it is only within the past year or less that a few of those articles which are used for both the medicinal and commercial purpose are reaching the consumer under their proper names.

Every article that is listed in the text of the U. S. Pharmacopœia VIII is qualified by the following sentence in the preface of that work: "The standards of purity and strength prescribed in the text of this Pharmacopœia are intended to apply to substances which are used solely for medicinal purposes and when professedly bought, sold or dispensed as such." This qualifying phrase was a compromise for resolution 10 introduced by the Ohio State Pharmaceutical Association and adopted by the Pharmacopœial convention. The resolution offered by the O. S. P. A. was to the effect that "Every common name and English title of articles used in the 1890 U. S. Pharmacopœia that is synonymous for both the medicinal and commercial drug be either discarded or modified so as to leave no doubt as to what was wanted," and it was framed to correct the enforcement of the letter of the law whereby the mere recognition of a name in the 1880 Pharmacopœia as defined in the General Food and Drug Law of Ohio would in itself make it a medicinal substance, although the article as sold under its common name would ordinarily mean the commercial substance. It must be remembered that the 1880 U. S. P. was official in Ohio from 1884 until 1904, and the 1890 U. S. P. was official from 1904 until 1906 and the present or U. S. P. 1900 was made official in 1906 and is the law of the state of Ohio today. When the 1880 U. S. Pharmacopœia was in force cases were on record where prosecution under the letter of the law was made on the purity of a substance, although the substance in question was never known to be used for other than commercial purpose.

The adoption of the U. S. Pharmacopœia by the federal and state governments as their standard for drugs carries with it the sleeper in the shape of the qualifying phrase "for medicinal purposes" for every article named in the text of the 1900 U. S. P. The tests and standards of this Pharmacopœia therefore only become operative when the substance listed in the U. S. P. are professedly bought, sold and dispensed as medicines. The question of sale thereupon becomes a matter of prime importance. The state of Ohio requires that either a sale must be made or that there shall be an intent to sell. As the matter of intent cannot be practically proven in court so the question resolves itself back to that of a transaction whereby some kind of currency has been passed by the purchaser to the seller. The federal law does not require a sale, although the fact of its being in one's possession is sufficient cause for investigation and seizure.

To obtain the pharmacopœial quality of a drug substance it therefore is necessary to purchase it under some qualifying term as medicinal, pharmacopœial, purified or some name that will indicate to the seller that the article in question is to be used for the above named purpose and upon labelling the same under this qualifying term then the tests of the Pharmacopœia become operative. To prevent any misleading as to the quality of the drug as sold the consumer should be advised by label if the article is not of the pharmacopœial quality by some name as commercial, technical or unofficial that will clearly set forth the unofficial nature of the substance, although the name or title used may be the name or title of a drug recognized in the U. S. P. In other words, if one wants the U. S. P. drug product he must ask for it under the qualifying name. It would therefore follow that a name of a drug unqualified would mean the commercial or unofficial article.

It must be distinctly understood that the above argument has reference to only such substance that may be used for both the medicinal and the commercial purpose and not for such substances that are from their nature and composition intended for medicinal purpose. Tincture of arnica is a type of the medicinal preparation and no qualifying term is necessary to obtain the U. S. P. product, for tincture of arnica is never used for commercial or technical purpose.

The following substances are used for both medicinal and commercial purpose. The name of each is recognized in the official Pharmacopœia, but when these names are used unqualified they mean to the seller that the commercial variety or quality is wanted. To obtain the medicinal or pharma-



copoeial quality they must be called for under the medicinal, purified or qualifying name.

Lime, soap, soft soap, rosin; oils of turpentine, castor, lard, cottonseed, sassafras and pennyroyal; rubber, talc, sulphates of copper and of iron; alcohol, chloroform and ether; magnesium carbonate sulphate, oxide and manganese dioxide; naphthalene, paraffine, petrolatum, liquid petrolatum, petroleum benzine; ammonia, sulphuric, nitric and hydrochloric acids; alum, borax, ammonium chloride, carbonates of potassium and of ammonium; glycerin, cotton, collodion and phosphorus; white and yellow wax; acetone, solutions of hydrogen peroxide and of formaldehyde; gallic acid and nutgalls; and articles of similar nature.

All of the above names appear in the Pharmacopœia, but unless called for under their qualified name one cannot expect to get anything better than the commercial variety. None of these substances in their commercial quality can be used in the preparation of any medicines, and yet I venture to state that 90% of the pharmaceutical manufacturers and 90% of the retail and wholesale druggists are using commercial alcohol for the U. S. P. product. That some druggists are still using commercial carbonate of magnesium (of the quality for packing steam pipes) in the making of solution of citrate of magnesium; that some druggists are still dispensing commercial epsom salts for the medicinal product as is evidenced by their advertisements to the consumer of epsom salts at 5c a lb., when the medicinal epsom salts or magnesium sulphate is quoted at 16c a lb. wholesale; that a commercial oil of turpentine for painting is dispensed for the medicinal article which cannot be produced under three times the price of the commercial oil of turpentine; that some druggists are still using a commercial lime fit only for plastering in the making of their lime water; that a technical peroxide of hydrogen is often dispensed for the medicinal article; that the commercial ammonia alum is used for the medicinal potassa alum; that the commercial ammonium carbonate and salts of tartar fit only for washing fluids are still used for medicinal variety; that a commercial oil of sassafras or synthetic saffrol intended as a fly chaser is used for the medicinal oil of sassafras. But why continue this? To bring prosecution on the dispensing of the above named commercial articles would be probably be too drastic a measure at the present time on account of the almost universal custom that prevails due to competition. If the public will insist on getting the medicinal article and paying for it then the majority of the pharmacists will furnish it, and as for the balance who will not furnish and use the medicinal article in pharmacopœial preparations, they can be very easily brought to time.

Such names as lard, sugar, honey, gelatine, starch, whiskey, tincture of vanilla, lemon or peppermint as appear in the text of the U. S. P. if sold under the qualifying name would be construed to be drugs and held to the U. S. P. standards. If sold under the above names unqualified it is likely that they could be construed as foods, drink or flavoring extracts and no doubt held to the same U. S. P. standard in Ohio because in the food section of the General Food and Drugs Act specific reference is made to such food product names as may appear in the U. S. P., and for such cases the U. S. P. is the standard. Here the legislature has made the Pharmacopœia the legal standard for foods, drink and flavoring extract and no doubt annuls the force of the qualifying phrase for medicinal use before stated. In the federal and other state laws, where there is no specific reference to these food, drink and flavoring extract articles, the Pharmacopœia cannot be used as the standard unless these articles be sold as medicines. It is for this reason that the federal law has no standard for beverage whiskey while it has a standard for medicinal whiskey. Linseed oil and wine are also U. S. P. named products, but in Ohio specific laws cover their unmedicinal nature.

The National Formulary is also a standard for drug articles. The reviser of the N. F. should see to it that a qualifying phrase similar to the one in the U. S. P. be inserted and also a statement should be made defining the mission of the National Formulary and then confine themselves to formulas for medicines only and leave processes for making chemicals and standards for same to the province of the Pharmacopœia and to also drop all formulas that are not used for medicinal purpose. With this done the National Formulary would be pruned and dressed and ready for legal enforcement.

The next pharmacopœial convention should renew its declaration as to the status of the articles named in the Pharmacopœia, and no doubt with sufficient pressure and education all of the above named substances will reach the public in their correct form and label.

Notice of Judgement Nos. 12-17

Issued October 10, 1908

## United States Department of Agriculture

OFFICE OF THE SECRETARY  
BOARD OF FOOD AND DRUG INSPECTION

### NOTICE OF JUDGEMENT Nos. 12-14, FOOD AND DRUGS ACT.

12. Misbranding of Flour (Hard spring wheat mixed with durum).
13. Misbranding of Flour (As to place and manner of manufacture).
14. Misbranding of Vanilla Extract (Imitation colored with caramel).

Under authority of section 4 of the Food and Drugs Act, June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the aforesaid act, notice is given that on the 9th day of May, 1908, in the United States district court for the northern district of Illinois, eastern division, in a proceeding for libel for condemnation against divers sacks of flour labeled and branded "AXA Highest Patent, The Gardner Mill, Seymour Carter, Hastings, Minn. Flour manufactured from Finest Selected Hard Spring Wheat," wherein the United States was libellant and Seymour Carter claimant, the cause having come on for a hearing and the defendant having failed to show cause against condemnation, a decree

(N. J. 12.)

#### MISBRANDING OF FLOUR.

(Hard spring wheat mixed with durum.)

adjudging the product misbranded was rendered, in substance and form as follows:

In the District Court of the United States of America for the Northern District of Illinois, Eastern Division.  
*One Carload of Flour, Contained in Wabash Car No. 71188.*

vs.

*United States of America*  
9988.

This cause coming on to be heard upon the motion of Edwin W. Sims, United States attorney for the northern district of Illinois, for leave to amend the information herein by striking out, in the twelfth line of said information, the words "adulterated and" and by adding to the prayer in said information, after the words "or sale," the words "or otherwise disposed of," said motion is, by agreement of the parties, hereby allowed, and said information is so amended.

And this cause coming on further to be heard upon said information as amended, the answer of the claimant, Seymour Carter, heretofore filed, which is ordered to stand as the answer of the claimant to the information as amended and upon the replication of the United States thereto, said claimant waiving a trial by jury.

The court finds that it has jurisdiction of this cause and of the respective parties hereto.

And the court being fully advised in the premises and having heard the arguments of counsel, finds that said carload of flour in Wabash car No. 71188 contained certain sacks of flour which were branded: "AXA Highest Patent, The Gardner Mill, Seymour Carter, Hastings, Minn. Flour manufactured from Finest Selected Hard Spring Wheat."

The court further finds that there was contained in said sacks flour manufactured from and containing approximately fifteen per cent durum wheat and eighty-five per cent hard spring wheat and that the same was being transported from the State of Minnesota to the State of Ohio through this division and district; the court further finds that said durum wheat is not what is commonly known and classified as hard spring wheat, and that flour made from a mixture of durum and hard spring wheat is misbranded under the Food and Drugs Act of June 30, 1906, if it be labeled "Flour manufactured from finest selected hard spring wheat," and that by reason thereof said flour contained in Wabash car No. 71188 was misbranded within the meaning of the act of June 30, 1906, known as the Food and Drugs Act, as alleged in said information as amended.

It is therefore ordered, adjudged, and decreed that upon payment of the costs of this libel proceeding, the bond heretofore given by the claimant to produce said flour upon the order of this court be canceled upon the claimant, Seymour Carter, entering into a bond with sureties to be approved



by the clerk of this court, in the sum of two thousand dollars, conditioned that said claimant, his agents, or attorneys shall not dispose of said flour contained in Wabash car No. 71188, in violation of the act of June 30, 1906, known as the Food and Drugs Act.

K. M. LANDIS.

Entered May 9, 1908.

The facts concerning the case are as follows: On or about January 17, 1908, an inspector of the Department of Agriculture reported the introduction into interstate commerce of a carload of 96-pound cotton sacks of flour, billed to Seymour Carter, Greenville, Ohio, care Wabash R. R. Av., Chicago, Ill., in a Wabash Railroad Company car, No. 71188. The flour was branded as follows: "AXA Highest Patent, The Gardner Mill, Seymour Carter, Hastings, Minn. Flour manufactured from Finest Selected Hard Spring Wheat," whereas, in truth and in fact, the wheat from which the product was milled contained approximately 15 per cent of durum wheat. Under the standards set by the board of grain appeals for the State of Minnesota, and under the common acceptance of the terms, hard spring wheat is "bright, well cleaned, and composed mostly of Hard Scotch Fife, to weigh not less than 58 pounds to the measured bushel." It follows that a flour made in whole or in part from durum wheat should not be branded as being milled from "hard spring wheat." The flour in question appeared to be misbranded within the terms of section 8 of the act, and on January 17, 1908, the Secretary of Agriculture reported the facts to the United States attorney for the northern district of Illinois. A libel for seizure and condemnation in the nature of an information was filed by the United States attorney, under section 10 of the act, and the flour was seized by the United States marshal. The claimant, Seymour Carter, in answer, admitted that the product in question was made in part from durum wheat, and the branding as set forth in the libel, but denied that it was subject to confiscation under the food and drugs act. The court having been fully advised in the premises, and having heard the argument of counsel, adjudged the flour misbranded and upon the filing of a good and sufficient bond, in accordance with section 10 of the act, and under the provisions of the decree hereinbefore set forth, the goods were duly released to the claimant.

H. W. WILEY,  
F. L. DUNLAP,  
GEO. P. McCABE,

Board of Food and Drug Inspection.

Approved:

JAMES WILSON,

Secretary of Agriculture.

Washington, D. C., July 16, 1908.

(N. J. 13.)

#### MISBRANDING OF FLOUR.

(As to place and manner of manufacture.)

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on the 10th day of June, 1908, in the supreme court of the District of Columbia, in a proceeding of libel for condemnation of 240 sacks, more or less, of misbranded flour, that is to say, flour manufactured in Ohio and made from wheat grown in the same state, but which was labeled and branded "Paragon Minnesota Cream Roller Process," wherein the United States were libelants and the Orrville Milling Company of Orrville, Ohio, was claimant, the cause having come on for a hearing and the Orrville Milling Company having defaulted in filing answer, a decree of forfeiture and condemnation was rendered in substance and in form as follows:

In the Supreme Court of the District of Columbia.  
*United States of America*

vs.

240 Sacks of Flour.

District Docket No. 771.

#### DECREE FOR CONDEMNATION.

On motion of Daniel W. Baker, esquire, attorney for the libelant, and it appearing to the court that upon the libel filed herein a warrant of arrest was duly issued and served on the 18th day of May, 1908, and that by virtue of the warrant the marshal has seized 200 1/8 sacks of flour branded as set out in the petition herein and inventories as of the value of \$87.50, the said 200 1/8 sacks of flour having been consigned by the Orrville Milling Company, of Orrville, Ohio, from said Orrville, Ohio, to the Orrville Milling Company, at Washington, D. C., F. G. Swain and Son, Washington, D. C., to be notified, and now being stored in the custody of the said marshal,

and it further appearing that the said Orrville Milling Company was duly warned to appear herein on the 8th day of June, 1908, and that due and legal notice and publication was ordered herein on the 26th day of May, 1908, and that such notice was given, and publication had, in conformity with the terms of said order, as appears by the proofs of publication of the Washington Star and the Washington Post, filed herein, notifying all other persons having any claim, right or interest herein, to appear on the said day to answer the exigencies of the said libel, and the said Orrville Milling Company having defaulted in filing an answer to the said libel, but appearing herein through its attorney in fact and agent, Albert D. Brockett, consenting hereto, and no objection having been signified to the court, it is, this 10th day of June, 1908, ordered, adjudged, and decreed that the said 200 1/8 sacks of flour, with contents as aforesaid, labeled and branded "Paragon Minnesota Cream Roller Process. Sole agent F. G. Swain & Son, Washington, D. C., be, and they hereby are, declared to be misbranded in violation of the act of June 30, 1906, as charged in the said libel; and it is further ordered that the said 200 1/8 sacks of flour and the contents thereof be, and they hereby are, condemned and ordered to be disposed of by sale, as prayed for in the said libel and provided for in the said act of June 30, 1906. It is further ordered that the proceeds of said sale, less the legal costs and charges, shall be paid into the treasury of the United States. It is provided, however, that upon payment of all the costs of the proceedings herein, including the cost of hauling, storage, watchman, publication, and all costs incidental to or contracted in these proceedings, and the execution and delivery by the said Orrville Milling Company to the libelant of a good and sufficient bond in the penalty of \$500, conditioned that the said 200 1/8 sacks of flour, with contents misbranded as aforesaid, shall not be sold or otherwise disposed of contrary to the provisions of the said act of June 30, 1906, the said marshal shall redeliver the said 200 1/8 sacks of flour to the said Orrville Milling Company or its agent, in lieu of disposing of them by sale as aforesaid, the said bond to be filed herein, if at all, on or before the 20th day of June, 1908.

(Signed)

JOB BARNARD,

Justice.

J. R. YOUNG, Clerk.

Filed July 10, 1908.

The case grew out of the following state of facts:

On or about May 14, 1908, an inspector of the Department of Agriculture found in a freight car in the District of Columbia 240 sacks, more or less, of flour consigned and shipped by the Orrville Milling Company, of Orrville, Ohio, to the Orrville Milling Company, Washington, D. C., F. G. Swain & Son, Washington, D. C., to be notified. The sacks of flour were labeled and branded "Paragon Minnesota Cream Roller Process;" whereas, in fact, the flour was neither grown nor manufactured in the State of Minnesota, and was not a product of cream roller process, but was a flour manufactured at Orrville, Ohio, from wheat grown in the State of Ohio, and commonly known as "Ohio winter wheat."

On May 14, 1908, the facts were reported by the Secretary of Agriculture to the United States attorney for the District of Columbia, and libel for seizure and condemnation was duly filed with the supreme court of the District of Columbia under section 10 of the act. The claimant having failed to answer or show reason against seizure and confiscation by the United States for the causes stated in the libel, the court adjudged the flour misbranded, and upon the filing of a good and sufficient bond in accordance with section 10 of the act and under the provisions of the decree hereinbefore set forth, the goods were duly surrendered to the said claimant.

H. W. WILEY,  
F. L. DUNLAP,

Board of Food and Drug Inspection.

Approved:

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., August 27, 1908.

(N. J. 14.)

#### MISBRANDING OF VANILLA EXTRACT.

(Imitation colored with caramel.)

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on the 7th day of July, 1908, in the district court of the United States for the western division of the southern district of Ohio, in a criminal prosecution by the United States against Edwin A. Steinbock and Proctor D. Patrick, trading under the firm name of Steinbock & Patrick, for



violation of section 2 of the aforesaid act in shipping and delivering for shipment from Ohio to Indiana of an adulterated and misbranded vanilla extract, the said Edwin A. Steinbock and Proctor D. Patrick entered pleas of guilty, whereupon the court imposed upon each of them a fine of \$5. The following is a statement of facts upon which the case was based:

On August 22, 1907, an inspector of the Department of Agriculture purchased from A. R. Norris, Terre Haute, Ind., a sample of food product labeled "Steinbock & Patrick's Marvel Extract of Vanilla, 2 oz." The sample was subjected to analysis in the Bureau of Chemistry and the following result obtained and stated:

10 Cases "Honey"	
Coumarin (per cent).....	0.032
Vanillin (per cent).....	0.07
Resins .....	Very slight
Coal-tar-dye .....	None
Caramel .....	Present
Weight found (grams).....	53.5
Weight should be (grams).....	56.5

In "Standards of Purity for Food Products," established under the authority of the act of March 3, 1903, and published as Circular 19, Office of the Secretary, U. S. Department of Agriculture, vanilla extract is defined as follows:

Vanilla extract is the flavoring extract prepared from vanilla bean, with or without sugar or glycerin, and contains in one hundred (100) cubic centimeters the soluble matters from not less than ten (10) grams of vanilla bean.

It was evident that the product was both adulterated and misbranded; adulterated because it purported to be an extract of vanilla, when, in fact, some other substances, coumarin and vanillin, had been substituted for vanilla extract. The article was, therefore, a mere imitation colored with caramel to resemble real vanilla extract, thereby concealing the inferiority and deceiving the public. It was misbranded for the reason that it was labeled "Extract of Vanilla," when in fact it was an imitation of that article, having in it no extract of vanilla bean, and was colored with caramel to impart the color of the pure extract. It was further misbranded because of the label on the carton, which declared the quantity to be 2 ounces, whereas the bottle contained 3.1 grams below the quantity required to make a full 2 ounces.

The Secretary of Agriculture having, on June 25, 1908, afforded the manufacturers an opportunity to show any fault or error in the aforesaid analysis, and they having failed to do so, the facts were duly reported to the Attorney-General and the case referred to the United States attorney for the southern district of Ohio, who filed an information against the said Steinbock and Patrick, with the result hereinbefore stated.

H. W. WILEY,  
F. L. DUNLAP,

*Board of Food and Drug Inspection.*

Approved:

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., August 27, 1908.

#### COOKING CEREAL FOODS.\*

Cereal breakfast foods may be roughly divided into three groups: (1) Those like old-fashioned oatmeal which are not cooked at all in the process of manufacture, (2) those like flaked or rolled grains which are partially cooked at the factory, and (3) those which have been submitted to some special cooking processes, like browning or baking, and may be eaten without additional cooking. Sometimes the cooked or partially cooked foods are treated with malt, which, it is claimed, converts some of the carbohydrates into soluble forms.

Compiled from Connecticut Storrs Sta. Rpt. 1904, p. 180; Maine Sta. Bul. 118; Ann. Rpt. Ontario Agr. Col. and Expt. Farm, 32 (1906), p. 63; Jour. Soc. Chem. Indus., 26 (1907), p. 240.

Extended series of digestion experiments with cereal breakfast foods have been reported from the Connecticut, Maine, and Minnesota experiment stations and the Ontario Agricultural College, which warrant the general conclusion that these foods closely resemble different types of bread in digestibility as

they do in composition, the breakfast foods from which the coarser part of the grain has been removed approximating white bread in thoroughness of digestion, while those sorts which retain the branny portions more closely resemble graham bread and whole-wheat bread.

The subject of composition and digestibility of these foods and related questions has been discussed in earlier Farmers' Bulletins. It is generally believed that long-continued cooking renders cereal breakfast foods more easily and thoroughly digested. In experiments carried on by R. Harcourt at the Ontario Agricultural College it was found that the farinas were broken down and rendered soluble to a greater extent by cooking than the oatmeals.

Young men in good health served as subjects of digestion experiments in which cereal foods cooked for a short period, twenty minutes, were compared with those cooked for a long period, eight hours. "In order that the results might be strictly comparable, the same subjects were used in determining the digestibility of the meal cooked for the short and long periods. Different subjects, however, were used with each sample of meal. This was done to bring in as many conditions as possible." The average results of the experiments follow:

*Average digestibility of rolled oats and wheat farina cooked for long and short periods.*

Kind of Food.	Organic matter. Per cent	Protein. Per cent	Fat. Per cent	Carbohydrates. Per cent
Rollled oats (cooked 20 m.).	94.2	81.5	92.5	98.0
Rollled oats (cooked 8 hr.).	95.4	84.3	94.6	98.3
Wheat farina (cooked 20 m.).	95.5	79.3	94.9	98.3
Wheat farina (cooked 8 hr.).	95.3	79.4	95.6	98.5

From the above results, it is evident that the length time, but no figures could be procured on this point. It is, however, important that starchy foods be cooked sufficiently long to cause the rupture of the starch cells. Judging by results, this apparently was accomplished, at least, nearly as well in one case as in the other.

From all the data which are reported regarding composition, digestibility, and comparative cost of a number of kinds of cereal breakfast foods, Professor Harcourt concludes that—

"It is evident that corn meal, rolled oats, and the farinas, especially if bought in bulk, are the most economical breakfast foods. It is, however, true that these foods do not agree with everyone and that the so-called predigested foods may be useful for those people who have difficulty in digesting starch. They may also have a place in a hurry-up breakfast, but it is evident that a curious name given to a much-advertised food does not indicate a high nutritive value, and the intelligent buyer who has to consider economy will hardly pass by the old forms of breakfast foods unless his own experience has actually demonstrated that these newer foods have a superior value."

The Idaho state pure food board appointed Claud Mason, an Idaho boy, who for a number of years was an employe of McCrum & Deary, as state chemist. The legislature appropriated \$15,000 for the commission and with this amount will inaugurate a campaign which will bring recognition by the next legislature of the important nature of the services that are rendered by the board.



Be sure and read H. Kohnstamm & Co.'s advertisement in this issue, in which they state that on June 1st they will ship all orders of certified colors on hand. This is in line with their announcement of March 15th.

\* \* \*

Governor Stuart of Pennsylvania, on May 13th, signed the Murphy Food Bill, including the two jokers. We hope the 13th will not hoodoo the bill, and go the route of its predecessor, the Tustin bill.

\* \* \*

The Pennsylvania law and the Benzoate Bulletin are fresh off the bat.

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Deserves to be appreciated, as it is the only breakfast food made from the whole grain of the wheat with celery, nothing left out but the outer husk. So prepared that it contains the proteids, phosphates and nitrogenous elements of the wheat. Young, growing people need plenty of growing material—from Dr. Price's Wheat Flake Celery Food they will obtain it. It is cleanly, pure, pleasing to the taste and economical.



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James Foust, Dairy and Food Commissioner.

Oliver D. Schock, Assistant Dairy and Food Commissioner.

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## MANILA.

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Victor G. Heiser, Director of Health.  
Paul C. Freer, Director Bureau of Science.  
H. D. Gibbs, Chief Chemist Bureau of Science.

## PORTO RICO.

## SAN JUAN.

## BUREAU OF HEALTH.

Thomas Vazquez, Supervisor of Health.  
Rafael del Valle Sarrage, Chemist.

## RHODE ISLAND.

## PROVIDENCE.

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Bernard T. Lennon, Member of Commission.  
John E. Groff, Secretary and State Chemist.

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Francis L. Parker, State Chemist.

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## BROOKINGS.

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Prof. J. H. Shepard, Brookings, S. D., State Chemist.

## TENNESSEE.

## NASHVILLE.

## STATE BOARD OF HEALTH.

Lucius P. Brown, Pure Food and Drug Inspector and Director of Laboratory.

J. A. Albright, Secretary.

## TEXAS.

## DENTON.

## DAIRY AND FOOD COMMISSION.

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P. S. Tilson, Assistant Chemist.

## UNITED STATES.

## WASHINGTON, D. C.

## DEPARTMENT OF AGRICULTURE.

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W. M. Hays, Assistant Secretary.  
H. W. Wiley, Chief, Bureau of Chemistry.  
W. G. Campbell, Chief Food and Drug Inspector.  
W. D. Bigelow, Chief, Division of Foods.  
G. E. Patrick, Chief of Dairy Laboratory.  
Dr. L. F. Kebler, Chief of Drugs Laboratory.



## Certified Color Orders Will Be Shipped June 1st.

Some time ago we promised, in our circular announcing the fact that we had gotten all the certifications, that on March 15th we would state when we would begin making the shipments of orders for certified colors on hand at that time.

We must plead guilty to having delayed longer than we had originally intended. After issuing the circular in question, we decided to double the quantity of stock which we originally calculated to have on hand before making any shipments, in order that we should not run short, thereby causing many annoyances and embarrassments to those manufacturers who had begun using them. and who naturally, therefore, would not care to revert to the uncertified colors.

Although this change in our plans meant a considerable loss of business to us, we felt ourselves in duty bound to protect our friends by delaying the marketing of the Certified Colors.

We are now in a position to state that on **June 1st** we shall ship all orders of certified colors on hand, unless the U. S. Laboratory fails to check up our certifications (required for each batch) promptly, which has been the case up to now, but we have every reason to expect that they will do more expeditious work on them in future.

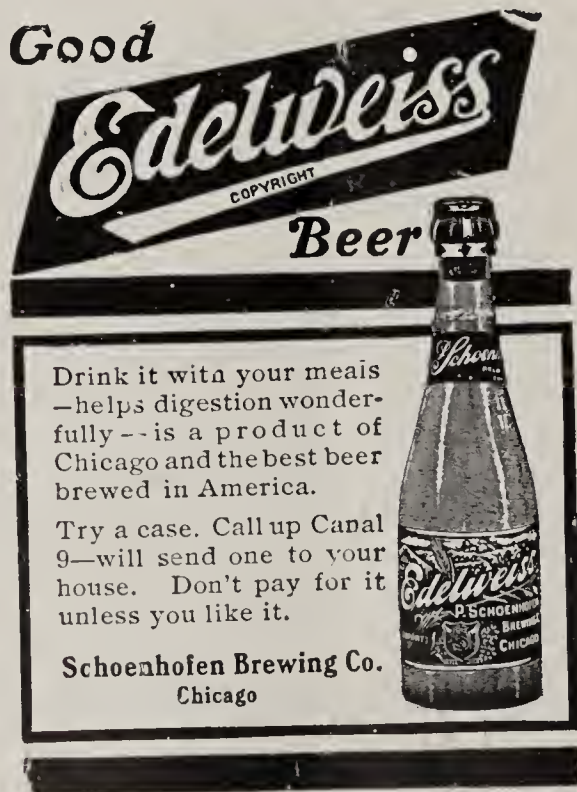
The colors will be the same in shade and strength and sold under same names as the uncertified.

# H. KOHNSTAMM & CO.,

NEW YORK

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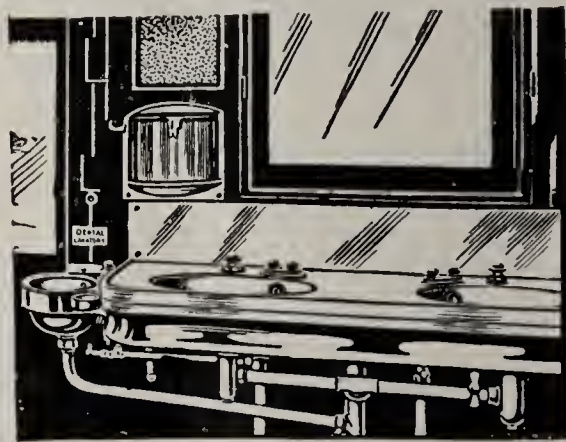
Try a case. Call up Canal 9—will send one to your house. Don't pay for it unless you like it.

**Schoenhofen Brewing Co.**  
Chicago

## DENTAL LAVATORIES.

The "Alton's" Latest.

Did you ever notice the ugly habit in sleeping cars of people cleaning their teeth in the regular lavatories? The new equipment of the Chicago & Alton Railroad presents an inviting change in that respect. New Pullmans have a neat little dental



lavatory for this purpose exclusively; and more that the water, instead of chilling sensitive teeth, has the chill removed. A rinsing apparatus for automatically cleansing the bowl is also a feature, and separate water glasses are provided. A traveler recently said: "If for no other reason, I'd travel over the Alton just for this new idea." It's a big advance, but not the first made by the popular C. & A., which is the pioneer Pullman sleeping car line, the pioneer dining car line and the pioneer reclining chair car line.

*News Item, not an Advertisement*—For the information of the editor. If cut to illustrate is desired, please address

**GEO. J. CHARLTON,**  
General Passenger Agent, C. & A. R. R., Chicago, Ill.



# THE AMERICAN FOOD JOURNAL



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## Synopsis of Food Laws Pending and Passed In State Legislatures.

The following tabulated and compiled list of Food Laws passed and pending in the various states will be of great value to our readers and will keep them informed on Food, Drug and Sanitary Legislation. The list is as complete as possible to be made up to the date of going to Press (June 15th.) The states are arranged in alphabetical order, the Senate Bills being Recorded first, the House Bills following. Wherever possible the number of Bill is shown, the introducer and to what committee referred, also what action if any the committee has taken. Bills passed and date of adjournment of the Legislature is also recorded. The list will be corrected for final publication in our July number, all Legislatures will then have adjourned. After our next issue we will from time to time print in full all Bills passed and approved until all new Food Legislation is recorded in our columns.

**Editor's Note:** A number of Journals have copied our list as published without giving credit. The records found below are keyed and any paper copying same will be good enough to credit "The American Food Journal."

### Arizona.

The Legislature has adjourned.  
No new pure food, drug or sanitary legislation was passed.

### Alabama.

The Legislature has adjourned.  
No new pure food, drug or sanitary legislation was passed.

### Arkansas.

Legislature adjourned May 12th.  
No new pure food, drug or sanitary legislation was passed.

### California.

Legislature has adjourned, and has passed the following seven acts, which have been approved by the Governor and are now the laws of California.

SENATE BILL NO. 47.

CHAPTER 104.

An act providing for the sanitation of food producing establishments, places where food is stored, prepared, kept or manufactured in which food is distributed; regulating the health of persons by whom the materials from which food is prepared or the finished product is handled; providing for the inspection of such places, persons and things; declaring

places and things in violation of this act to be nuisances dangerous to health and providing for the abatement of the same; making violations of this act misdemeanors; and providing for the punishment of the same.

Approved March 6, 1909.

SENATE BILL NO. 51.

An act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors and regulating the traffic therein, providing penalties, establishing a state laboratory for foods, liquors and drugs and making an appropriation therefor.

Approved March 11, 1907; as amended 1909.

SENATE BILL NO. 56.

CHAPTER 324.

An act to amend section 536 of the Penal Code, relating to false statements by consignees and others.

Approved March 20, 1909.

SENATE BILL NO. 768.

CHAPTER 264.

An act to regulate the production and sale of certified milk.

Approved March 18, 1909.

SENATE BILL NO. 936.

CHAPTER 226.

An act to amend section 4 of an act entitled "An act for preventing the manufacture, sale or transportation of adul-



erated, mislabeled or misbranded foods and liquors, and regulating the traffic therein, providing penalties, establishing a state laboratory for foods, liquors and drugs, and making an appropriation therefor," approved March 11, 1907, relating to the adulteration of food.

Approved March 13, 1909.

#### HOUSE BILL NO. 179.

An act to provide for the appointment of a bake shop inspector and deputies; to provide for their compensation and to define their powers and duties relating to the inspection of bake shops and bakeries.

#### HOUSE BILL NO. 1020.

An act to amend section two of "an act to prohibit adulteration and deception in the sale of dairy products, defining adulteration in dairy products, to establish standards of quality in dairy products and to provide for enforcing its provisions," approved March 15, 1907.

#### Colorado.

The Legislature has adjourned.

No new pure food, drug or sanitary legislation was passed, except four additional inspectors and slight increase in appropriation for work.

#### Connecticut.

##### HOUSE BILL NO. 84.

Relates to sanitation.

##### HOUSE BILL 93.

Relates to meat and meat food products.

##### HOUSE BILL NO. 495.

By Mr. Beckwith.

Relates to butter.

##### HOUSE BILL NO. 663.

By Mr. Donovan, February 11th.

Referred to Labor Committee.

Relates to bake shops.

#### Florida.

##### SENATE BILL No. 108.

By Mr. Grill. April 15.

A bill is for an act to amend sections 2, 7, 10, 11, 12 and 14, of the present food law of Florida.

Section 11 authorizes the Commissioner of Agriculture and the State Chemist to fix standards of purity for food products.

The following amendments have been made to the above bill:

1. In section 7, before the word "sold," insert the words "or if not of a poisonous or deleterious character may be."

2. In section 7, after the words "in the order direct," add the words "which order shall guard against any further violations of this act by such sale or other disposition."

3. In section 11, insert the word "States" after the word "United."

4. In section 11, insert the word "be" after the words "defined to."

This bill has passed the Senate and is in the House without reference to Committee.

##### SENATE BILL No. 120.

By Mr. Henderson.

This bill provides that the State Chemist and each of the Assistant State Chemists, shall be Inspectors of Foods, Drugs, Commercial Feeding Stuffs, and to provide for their expenses.

This bill has been favorably reported in the Senate.

#### Idaho.

The Legislature of Idaho adjourned March 5th, and passed the following bills and are now laws.

##### HOUSE BILL NO. 98.

By Mr. Shaw.

An act to amend Chapter 21 of Title 8 of the political code, revised codes of Idaho, by adding thereto Sections 1400a, 1400b, 1400c and 1400d, providing against the evils resulting from the traffic in certain narcotic drugs, regulating the sale thereof, and prescribing punishments for violation of those provisions.

#### HOUSE BILL NO. 171.

By Committee on Public Health.

An act relating to the preservation of the public health, prescribing certain duties for the state and local boards of health; providing for the establishment of bacteriological stations, and the appointment of bacteriologists; providing for the appointment of a county physician and the membership of county boards of health: amending Sections 1081, 1091, 1095, 1098 and 1099 of the political code, revised codes of Idaho; adding to Chapter 1 of Title 8 of the said political code, two sections to be known as sections 1097A and 1097B; repealing Sections 1109, 1110, 1111, 1112 and 1113 comprising Chapter 2 of Title 8 of said political code and declaring an emergency.

#### HOUSE BILL NO. 172.

By Committee on Public Health.

An act to amend Chapter 3 of Title 8 of the political code, revised codes of Idaho, relating to dairy, food and oil inspection, so as to abolish the Board of Dairy, Food and Oil Commissioners and transfer the duties imposed on said Board to the State Board of Health; to abolish the office of Dairy, Food and Oil Commissioner and to substitute therefor the office of Dairy, Food and Sanitary Inspector; providing for the appointment and prescribing the duties of a State Chemist; and specifically amending Sections 1114, 1115, 1116, 1118, 1119, 1121, 1122, 1123, 1133, 1145, 1146, 1147, 1149, 1150 and 1152, and repealing Sections 1117, 1120 and 1148 of said Chapter 3, Title 8 of the political code of the revised codes of Idaho; so as to accomplish the purposes above specified, and declaring an emergency.

#### Illinois.

The legislature of Illinois adjourned Friday, June 4, 1909, as predicted in the May issue of THE AMERICAN FOOD JOURNAL. No new food, drug, dairy, sanitary or net weight legislation was passed at this session of the legislature with the exception of an amendment to the Illinois Food Law of 1907, with reference to the standards on condensed and evaporated milk. This bill was known as S. B. No. 442, and amends the present Illinois Food Law, by striking out the standards on condensed and evaporated milk, leaving no standards on these articles.

Another matter of great interest to the dairy industry of Illinois was the passing of a resolution known as House Joint Resolution No. 20, introduced by Speaker Shurtleff for the appointment of a commission to investigate the milk supply of Illinois, to be reported at the next session of the legislature. The Resolution is printed in another part of this issue in full.

The legislature was very liberal to the Illinois Food Commission, as will be shown by the appropriation published in another part of this issue, when compared with the pruning of the University of Illinois, the Factory Inspection, the State Board of Health and other department appropriations.

#### Indiana.

The Legislature of Indiana has adjourned and passed the following three laws relating to Food Stuffs:

##### ENGROSSED H. B. 44

This bill passed both houses, and has been signed by the Governor, and has become a law.

##### HOUSE BILL NO. 308.

By Mr. White.

Referred to Committee on Sanitation.

Is a sanitary regulation and will affect particularly those maintaining establishments for the manufacture of food in Indiana.

This bill has passed both houses and has been signed by the Governor and is now a law, and was printed in the March issue of this journal.

##### H. B. 345.

Has passed both Houses, signed by the Governor and is now the law of the State.

#### Iowa.

The Legislature adjourned April 10.

The only new pure food, drug or sanitary legislation adopted is the following which is a standard for oysters:

##### HOUSE FILE NO. 321.

By Mr. Hanson.

A bill for an act to amend the law as it appears in Section



Four Thousand Nine Hundred and Ninety-Nine-a Thirty-One (4999-a 31) of the supplement to the code Nineteen Hundred and Seven (1907) relating to food standards.

Be it Enacted by the General Assembly of the State of Iowa:

Section 1. That section Four Thousand Nine Hundred and Ninety-Nine-a Thirty-one (4999-a 31) be amended by adding thereto the following: "Oysters shall not contain ice, nor more than sixteen and two-thirds (16 2-3) per cent by weight of free liquid."

#### Kansas.

Legislature adjourned March 10th, and passed the following Pure Food, Drug and Weight and Measure Bills, and were published in The American Food Journal of April.

SENATE BILL NO. 134.

SENATE BILL NO. 135.

#### Maine.

The Legislature has adjourned.

The General Food and Drug Law remains unchanged, there were some changes and modifications in the Dairy Laws. There is no general sanitary law in the state.

#### Massachusetts

HOUSE BILL NO. 743.

Jan. 26, 1909.

Relates to dairy products.

HOUSE BILL NO. 744.

Jan. 26, 1909.

Relates to dairy products.

HOUSE BILL NO. 140.

By Mr. Snell.

March 2d.

Referred to Committee on Public Health.

Regulates the manufacture and sale of Ice Cream.

It fixes a standard at 12% of butter fat instead of 8%.

It requires percentage of gelatine or vegetable gums used to be stated on the label.

It requires manufacturers of Ice Cream to take out a license each year and pay a fee of five dollars for same.

It requires any dispenser of Ice Cream containing gelatine or vegetable gum to display a placard reading "We use Ice Cream Containing Gelatine."

#### Michigan.

The Legislature adjourned May 20.

SENATE BILL NO. 140.

By Mr. Snell.

March 2d.

Amends the present Food Law as follows:

"1. By inserting in line 4 of Section 1, after the word 'contain' the words 'other than.'

"2. By striking out of line 6 of Section 8, the words 'one inch' and inserting in lieu thereof the words 'three fourths of an inch.'

"3. By inserting in line 9 of Section 7 after the word 'thereafter' the words 'the money so collected by the Dairy and Food Commissioner shall be paid into the State treasury and be used to help defray the expenses of the office of Dairy and Food Commissioner in addition to the annual appropriation.'

The above bill has become a law.

#### Minnesota

The Legislature adjourned April 23rd and passed the following new and amended laws relating to Dairy Products, Foods and Drugs and Sanitation:

CHAPTER 353—H. F. No. 1017.

An act regulating the labelling of the products of pasteurized milk and cream.

CHAPTER 428—S. F. No. 231.

An act to amend sections 1735, 1739, 1740, 1741, 1743, 1744 and 1756 of the Revised Laws of 1905, and the several acts amendatory thereof, relating to the dairy and food department.

CHAPTER 468—H. F. No. 511.

An act to prevent unlawful discrimination in the sale of milk, cream, butter-fat and to provide a punishment for the same.

#### CHAPTER 337—S. F. No. 619.

An act to amend Chapter 455 of the general of the year 1907 entitled "an act to provide for the inspection of canneries, publishing reports of same and establishing a grade for canned fruits and vegetables."

#### CHAPTER 498—H. F. No. 388.

An act providing for the licensing of operators of testing apparatus and prescribing a penalty for its violation.

#### Missouri.

The Missouri Legislature has adjourned and passed the following Dairy, Food and Sanitary Laws:

SENATE BILL No. 261.

An act to provide for the appointment of dairy instructors by the State Board of Agriculture and to define their duties.

SENATE BILL No. 565.

An act establishing standards for dairy products prohibiting the sale of said products when adulterated, prescribing penalties for the violation of the provisions of this act and repealing all laws and parts of laws in conflict or inconsistent herewith.

HOUSE BILL No. 734.

An act regulating the production, storing and vending of milk and the care and feeding of cows, the sanitation of stables and yards where milch cows are kept, the care and sanitation of vehicles used for the transportation of milk defining what is adulterated and what impure milk and fixing penalties for violations thereof.

HOUSE BILL No. 735.

An act to amend article 5, chapter \*7, Revised Statutes of Missouri by adding thereto two new sections to be known as sections 4749a and 4749b and by striking out from section 4754 of such article 5, chapter 67, in the first line thereof the words, "the state board of agriculture" and adding in place thereof, the words, "The State Food Commissioners."

HOUSE BILL No. 751.

An act to create a bureau of dairying, and placing the same under the control of the State Board of Agriculture; to provide the appointment of the chief thereof, and defining his terms of office and his duties and powers; defining what shall be known as public creameries public dairies, butter and cheese factories and milk depots; fixing a standard for milk measures, test tubes, providing penalties for the use of false measures or milk testing machine, adopting United States standards of purity, and definition of dairy products; prohibiting the sale of adulterated or impure milk, and fixing penalties for the same; fixing penalties for interfering or obstructing the commissioner in the performance of his duties and repealing all conflicting acts or parts of acts.

HOUSE BILL No. 775.

An act to amend article 5, chapter 67, Revised Statutes of Missouri 1899, entitled "Imitation Butter" by adding thereto two new sections to be known as sections 4747a and 4747b.

#### Montana.

The Legislature has adjourned without passing any new food laws.

#### Nebraska.

The Legislature adjourned and passed the following laws:

SENATE BILL NO. 140.

By Mr. Randall.

Is a Sanitation Bill, and has passed and signed by the Governor.

HOUSE BILL NO. 90.

By J. F. Carr.

Relates to duties of Commission Merchants. Passed both houses and signed by the Governor.

HOUSE BILL NO 188.

By Mr. Leigh, Jan. 26, 1909.

Referred to Committee on Miscellaneous Subjects.

Is a bill to regulate the sale of vinegar and makes standards for same.

This bill has passed the House and the Senate and is the law.



**HOUSE BILL NO. 486.**

By Mr. Smith.

Committee on Miscellaneous Subjects.

"This bill, as finally amended and passed, is as follows: Amendment to section 9825 of Cobbey's annotated statutes for 1907 relating to branding the net weight on certain kinds of packages of foods and drugs and providing that bleached flour may be sold without being deemed adulterated within the meaning of the act. The provision compels the branding of both net weight and contents on packages of dairy products, lard, wheat products, oats products, corn products, prepared and unprepared, sugar, syrup, molasses, tea, coffee and dried fruit, and exempting meats, preserved fruits and a few other things from the provisions. Then the provision is added regarding the legality of the sale of bleached flour within the state."

This bill has passed the House and Senate and was signed by the Governor.

**Nevada.**

The Nevada Legislature adjourned and passed Senate Substitute for Assembly Bill No. 48, and was approved by the Governor on March 13, 1909, and is:

"An Act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded or poisonous or deleterious foods, drugs, medicines and liquors, and for regulating the traffic therein, providing penalties, and making an appropriation for the carrying out of this act."

**New Hampshire.**

The Legislature of New Hampshire adjourned and passed the following pure food and sanitary bills, which have been approved by the Governor, and are now the laws of the state:

"An Act to provide for sanitary inspections of places where food or food products are manufactured in the State of New Hampshire."

"An Act in amendment of an addition to Section 18 of Chapter 127 of the public statutes as amended in 1901 and 1903, relating to the percentage of fat in milk."

"An Act in amendment to the food and drugs law of 1907, relating to the penalty for violation of the said law."

"An Act in amendment of Chapter 72, laws of 1907, relating to the manufacture and sale of ice cream."

**New Jersey**

The Legislature adjourned April 16.

**SENATE BILL NO. 39.**

By Mr. Freylinghuysen, Jan. 25, 1909.

Referred to Committee on Public Health.

Relates to dairy products. This bill has passed both Houses, and is now the law.

**SENATE BILL NO. 142.**

By Mr. Brown.

Referred to Committee on Public Health.

It is a sanitary regulation affecting those maintaining establishments in New Jersey and has passed both Houses, and is now the law of the state.

**New Mexico.**

The Territorial Legislature has adjourned and passed no new pure food laws.

**New York.**

The Legislature adjourned May 3.

**HOUSE BILL 823.**

By Mr. Wood, March 2.

Referred to Committee on Public Health.

A bill to repeal Sections 40 to 44 and Section 50 of Chapter 49 of the laws of 1909 entitled "An Act in Relation to the Public Health Constituting Chapter 45 of the Consolidated Laws. This bill has passed the House and Senate.

**HOUSE BILL 990.**

By Mr. Young.

This bill declares the units or standards of measures of capacity for liquids and the unit or standard of capacity for substances not liquids.

It also provides that all manufacturers of small fruit packages, such as quarts, pints and half-pints, shall mark the word "short" on any package that is a short size. This bill has passed the Assembly and the Senate.

**HOUSE BILL NO. 1035.**

By Mr. Boshart.

Amends the Agricultural Law in relation to Vinegar.

This bill passed the House and Senate.

**HOUSE BILL NO. 1036.**

By Mr. Boshart.

Amends Section 30 of the Agricultural Law in relation to the Adulteration of Cream.

This bill passed both houses.

**HOUSE BILL NO. 1596.**

By Mr. Boshart.

Relates to the Sale of Oleomargarine.

This bill has passed both houses.

**North Carolina.**

The North Carolina Legislature adjourned and passed the following amendment to the food law:

**SENATE BILL NO. 1859.**

This bill reads as follows:

"The General Assembly of North Carolina do enact:

"Sec. 1. That Chapter 368 of the Public Laws of 1907 be and the same is hereby amended as follows: After the word 'colored' and before the word 'powdered' in line one, subsection four, section six, the word 'bleached.'

"Sec. 2. At the end of section 6 insert the following: 'Eighth. By consent of the Board the Commissioner of Agriculture may when he deems it advisable and to the best interest of the public suspend the action of any provision of subsection 5, section 6 of said act, relating to the use of chemical preservatives and coal tar dyes in food when the provision of said section is not in harmony with the provisions of the National Food Law or rulings thereunder.'

"Sec. 3. This act shall be in force from and after its ratification."

The above bill passed both Houses and is now a law.

**North Dakota.**

The Legislature adjourned March 10th, and passed the three (3) following Food, Dairy, Drug, Liquor and Sanitary Bills:

**SENATE BILL NO. 67.**

By Mr. Kennedy.

**SENATE BILL NO. 107.**

By Mr. Kennedy.

**HOUSE BILL NO. 307.**

By Mr. Duncan.

**Ohio.**

The Legislature of Ohio adjourned March 12 and passed the two following Food Laws:

**SENATE BILL NO. 112.****HOUSE BILL NO. 15.**

Both of these laws were printed in the March issue of THE AMERICAN FOOD JOURNAL.

**Oklahoma.**

The Oklahoma Legislature adjourned March 13, and passed the following Bill:

**HOUSE BILL NO. 404.**

By Mr. Stafford.

It is a general food, drink and drug bill and has become a law, and will be published in full in a subsequent issue of this Journal.

**Oregon.**

The Oregon Legislature adjourned sine die March 1st, and passed the following new Dairy Law:

**CHAPTER 237, LAWS OF 1909.**

(S. B. 26.)

An act to provide measures for improving the quality of milk, cream, butter, and cheese, and for all dairy products of Oregon, and to provide for the employment of deputies qualified to inspect dairies, creameries and cheese factories, and to collect and disseminate valuable dairy information, and to



form cow testing associations, and to provide a penalty for its violation.

### Pennsylvania.

The Pennsylvania Legislature adjourned April 15th.

#### SENATE BILL NO. 3.

By Mr. Gerberick, Jan. 25, 1909.

The legislature adjourned April 15th, and passed the following laws:

#### S. F. No. 37.

*The Murphy Food Act.* This bill was signed by Governor Stuart on May 13th and is now the law of the state of Pennsylvania and is reproduced in full in another part of this issue.

The following acts have been passed, signed by the governor and are now the laws of the State of Pennsylvania:

#### No. 9.

An act for the protection of the public health, by prohibiting the sale, offering for sale, exposing for sale, or having in possession with intent to sell, of eggs unfit for food, as therein defined, and prohibiting the use of such eggs in the preparation of food products; providing penalties for the violation thereof, and providing for the enforcement thereof.

#### No. 10.

An act relating to non-alcoholic drinks; defining the same; and prohibiting the manufacture, sale, offering for sale, exposing for sale, or having in possession with intent to sell, of any adulterated or misbranded non-alcoholic drinks; and providing penalties for the violation thereof, and providing for the enforcement thereof.

#### No. 11.

An act to protect the public health, and prevent fraud and deception in the manufacture or sale of lard, lard substitutes, imitation lard, and lard compounds; providing penalties for the violation thereof, and providing for the enforcement thereof.

#### No. 37.

An act relating to milk; providing for the protection of the public health, and the prevention of fraud and deception, by regulating the sale of milk, skimmed milk, and cream; providing penalties for the violation thereof, and providing for the enforcement thereof.

#### No. 38.

An act for the protection of the public health; and to prevent fraud and deception in the manufacture, sale, offering for sale, exposing for sale, and having in possession with intent to sell, of adulterated or deleterious ice-cream; fixing a standard of butter-fat for ice-cream; providing penalties for the violation thereof, and providing for the enforcement thereof.

### Rhode Island.

The Legislature has adjourned, and no new Pure Food, Drug or Sanitary legislation was enacted.

### South Carolina.

The Legislature of South Carolina adjourned, March 5, and passed an act to further protect the public health and the health of domestic animals by providing for the inspection of live stock imported into the State.

### South Dakota.

The South Dakota Legislature adjourned March 6th, and passed the following four (4) Pure Food, Drug and Dairy Bills, and are now the Laws of the State and will be published in full in a subsequent issue of this journal.

#### CHAPTER 163.

#### SENATE BILL NO. 314.

An act entitled, an act to prevent the manufacture, sale, keeping for sale or transportation of adulterated or misbranded, poisonous or deleterious foods, dairy products or liquors; for regulating traffic therein; providing for its enforcement and prescribing penalties for the violation thereof.

#### CHAPTER 206.

#### SENATE BILL NO. 323.

An act to authorize the consolidation of funds and items heretofore appropriated for the Food and Dairy Commissioner's Office for a term ending July first, 1909, and to authorize the payment of salaries, expenses and maintenance

of said office out of any of the money heretofore appropriated for that purpose.

#### CHAPTER 180.

#### HOUSE BILL NO. 2.

An act to prevent the manufacture or sale of adulterated or misbranded drugs, providing for penalties for its violation and providing for its enforcement.

#### CHAPTER 296.

#### HOUSE BILL NO. 388.

An act to provide for a State Dairy Expert; to prevent the adulteration of milk, cream and dairy products, to regulate the manufacture and sale of dairy products, and for other purposes.

### Tennessee.

The Legislature adjourned May 1 and passed the following act and is now the Law of the State.

#### CHAPTER 473.

#### HOUSE BILL NO. 535.

(By Messrs. Puryear and Chestnutt.)

An act providing for the sanitation of bakeries, canneries, packing houses, slaughterhouses, dairies, creameries, cheese factories, confectioneries, restaurants, hotels, groceries, meat markets, and all other food-producing establishments, manufacturing, packed, stored, sold, or distributed, and vehicles in which food is placed for transportation; regulating the health of operatives, employees, clerks, drivers, and all other persons working on the premises who handle the material from which food is prepared or the finished product; defining food; regulating the wholesomeness of food manufactured, prepared, packed, stored, sold, distributed, or transported; and defining the duties of the State Board of Health and the Pure Food and Drug Inspectors, and providing penalties for the violation thereof.

### Texas.

The Texas Legislature has adjourned and passed the following bill:

#### HOUSE BILL No. 28.

An act of the thirty-first Legislature of Texas to prohibit and prevent adulteration, fraud and deception in the manufacture and sale of foods, drugs and drinks. Approved March 20, 1909. Known as the Pure Food and Drug Law (amending the Blanton pure food law). Introduced by Hon. J. P. Hayter, senator from Wise County; Hon. Worth S. Ray, Hon. F. F. Hill, Representatives from Denton County:

An act to amend chapter 39 of the Acts of the General Laws of the Thirtieth Legislature, entitled "an act to prohibit and prevent the adulteration, fraud and deception in the manufacture of and sale of articles of food and drugs; prescribing penalties for the violation of this act; to provide for the appointment of a Dairy and Food Commissioner and to define his powers and duties and to fix his compensation; and to repeal all laws in conflict with the provisions of this act, and declaring an emergency;" so as to more perfectly prevent the manufacture of, sale of or offering for sale of, misbranded or adulterated food and drugs; to prevent the addition of injurious drugs or articles of foods; to provide for a Dairy and Food Commissioner, one stenographer, one assistant chemist, and two inspectors, fixing their compensation, defining their powers and duties; making an appropriation for the purpose of carrying into effect this act for the remainder of the fiscal year and providing the payment of unpaid salary and expenses of the Pure Food Commissioner and his assistants that accrued under chapter 39 of the acts of the General Laws of the Thirtieth Legislature, and declaring an emergency.

### Utah.

The Legislature has adjourned and passed the following Food bills, and are now the Laws of Utah:

#### SENATE BILL NO. 80.

By Mr. Williams.

Referred to Committee on Public Health.

Is an act creating a Dairy and Food Bureau, defining its duties, powers, etc.

Section 1 creates a State Dairy and Food Bureau to consist of 9 residents of the state. The Governor, State Chemist, Secretary of the State Board of Health, and State Dairy



and Food Commissioner shall be members of the board. Five other members shall be appointed by the Governor, as follows:

One practical manufacturer or packer of food or food products; one practical farmer; one representative of the live stock and slaughter interests; one merchant engaged in the sale of food products, and one member shall be a non-producer of food products.

Section 2 gives the said bureau power to establish rules and regulations for the operation of creameries, butter and cheese factories, dairies, slaughter houses, confectioneries, bakeries, and all places where food is bought, sold, manufactured, prepared or stored. The rules and regulations thus established to conform as nearly as possible with the regulations promulgated by the Agricultural Department of the United States under the Food and Drugs Act, and also under the Meat Inspection Act.

Section 3 makes it an offense to violate any rules or regulations established by the said bureau.

Section 4 appropriates money for carrying out the law.

This bill is now the law of the State and is the same as originally presented except that the members of the Commission were reduced to five.

#### SENATE BILL NO. 136.

By Mr. Hyde.

Relates to Dairies, provides that they must exist under licences and be kept in Sanitary Condition.

#### Washington.

The Washington Legislature adjourned April 15th, and only two laws were passed affecting the office of the Dairy and Food Department.

One provides that in place of one State Chemist there shall now be two. The chemist at the State College at Pullman, Washington, and the dean of the School of Pharmacy at Washington University, Seattle, Wash.

The other act provides for the purity of agricultural seeds and places the enforcement thereof under the Dairy and Food Department.

#### CHAPTER 28. (S. B. 157.)

An act relating to the adulteration of foods, drinks and drugs, and amending section 9 of chapter 211, of the Session Laws of 1907.

*Be it enacted by the Legislature of the State of Washington:*

Section 1. Section 9 of chapter 211, Session Laws of 1907, is hereby amended to read as follows: Section 9. It shall be the duty of the chemist of the State Agricultural Experiment Station and the dean of the school of pharmacy of the University of Washington, or either of them, to analyze any and all substances that the Dairy and Food Commissioner may send to them, and report to the commissioner, without unnecessary delay, the result of any analysis so made, and when called upon by the said commissioner, the said chemist shall assist in the prosecution of violations of the law by giving testimony as an expert or otherwise.

Passed by the Senate February 4, 1909.

Passed by the House February 24, 1909.

Approved by the Governor March 2, 1909.

#### CHAPTER 201. (H. B. 299.)

An act to provide for registration and guarantee of composition of concentrated commercial feeding stuffs and for fees for such registration, providing against the adulteration of such feeding stuffs, declaring violation of its provisions to be a misdemeanor and providing a penalty therefor and requiring the Attorney General and prosecuting attorneys to prosecute violations thereof.

#### West Virginia.

The West Virginia Legislature adjourned March 1. No new pure food or drug laws were passed.

#### Wisconsin.

The Wisconsin Legislature adjourns June 18.  
SENATE BILL NO. 213, S.

By Mr. Barker, Feb. 10.

Referred to Committee on Public Health.

Relates to the sanitation of bakeries and confectioneries.

This bill has passed and was signed by the Governor.

#### SENATE BILL NO. 384, S.

By Mr. Donald, Feb. 23.

Referred to Committee on Agriculture.

Relates to the sale of unsanitary milk.

This bill has passed and was signed by the Governor.

#### HOUSE BILL NO. 286-A.

By Mr. Mortensen.

Feb. 5, 1909.

Referred to Committee on Public Health.

Relates to the sale of dairy products.

This bill has passed and was signed by the Governor.

#### HOUSE BILL NO. 372, A.

By Mr. Georgi, Feb. 11.

Referred to Committee on Public Health.

Defines the terms "bakery," or "bakeries" or "baking establishment."

This bill has passed House and Senate.

#### HOUSE BILL NO. 428, A.

By Mr. Ingram, Feb. 11, 1909.

Relates to intoxicating liquors, as follows:

"Section 1. There is added to the statutes a new section to read: Section 1557t. 1. No person shall expose or offer for sale or sell any malt, ardent or intoxicating liquors or drinks unless each package, barrel, keg or bottle containing the same shall have plainly marked thereon in English the names of and quantity of each ingredient used in the manufacture of such liquors or drinks. This section shall not apply to liquors or drinks shipped out of the state."

This bill has passed the House and Senate.

#### HOUSE BILL NO. 526a.

By Mr. Wells.

Referred to Committee on public health Feb. 16th.

Is a bill for the sanitation of food producing establishments.

This bill has passed the House and Senate.

#### HOUSE BILL NO. 529, A.

Mr. Kull, Feb. 16.

Referred to Committee on Public Health.

Transferred to Committee on Dairy and Food Matters.

It is a bill to adopt food standards for the state of Wisconsin.

#### WISCONSIN AMENDMENT No. 1 to HOUSE BILL No. 529-a.

The following amendment to H. B. 529-a has been offered by the committee:

Amend by striking out from the third line of section 2, page 1 of the printed bill, the word "for" and inserting in lieu thereof the words "relating to."

Further amend by inserting after the word "following" in the fourth line of section 2, page 1, of the printed bill the words "definitions and."

Further amend by inserting, striking out from the fifth line of section 2, page 1, of the printed bill the words "of purity."

Further amend by inserting after the word "legal" in the fifth line of section 2, page 1, of the printed bill, the words "definitions and."

Further amend by striking out the word "animals" where said word occurs at the end of line 1, paragraph 1, page 1, of the printed bill and inserting in lieu thereof the word "mammals."

Further amend by inserting after line 26, on page 2, of printed bill, the following words: "Provided, that the foregoing provisions relating to the containers shall not take effect until the first day of July, one thousand nine hundred eleven."

Further amend by striking out the words "condensed milk" where said words occur in line 15, of paragraph 5, of the printed bill.

Further amend by striking out the word "sweetened," where said word occurs in line 19, paragraph 5, of the printed bill.

Further amend by striking out the word "or" where said word occurs in line 102, paragraph 22, page 23, of the printed bill, and insert in lieu thereof the word "of."

Further amend by striking out the word "glove" where said word occurs in line 33, paragraph 22, page 21, of the printed bill and insert, in lieu thereof the word "clove."

Further amend by striking out the word "retractive" where said word occurs in line 66, paragraph 23, page 27, of the printed bill and insert in lieu thereof the word "refractive."

Further amend by striking out the word "bolume" where said word occurs in line 4, paragraph 31, page 30, of the



printed bill and insert in lieu thereof the word "volume."  
Further amend by inserting between the words to and "standard" in the second line of the title of the printed bill, the words "definitions and."

Further amend by striking out the words "of which not" where said words occur in line 17, paragraph 5, page 6, of the printed bill, and substituting in lieu thereof the word "nor."

Further amend by striking out the words "twenty-seven and sixty-six hundredths (27.66) per cent" where said words occur in lines 17 and 18, paragraph 5, page 6, of the printed bill, and substituting in lieu thereof the words "eight (8) per cent."

Further amend by striking out the words "of which not" where said words occur in line 21, paragraph 5, page 6, of the printed bill, and substituting in lieu thereof the word "nor."

Further amend by striking out the words "twenty-seven and sixty-six hundredths (27.66) per cent" where said words occur in line 22, of the printed bill, and substitute in lieu thereof the words "eight (8) per cent."

The amendments to the bill made upon the floor consist in cutting out of the bill lines 13 to 26 on page 2 of the printed bill. This provision of the bill begins with the words "suitable containers for keeping moist food products such as syrup, etc.," and ends with the words "or any compounds thereof or any other poisonous or injurious substance."

Amendment No. 1-A is amended by striking out these words "further amended by inserting after line 26 on page 2 of the printed bill the following words: "Provided that the foregoing provisions relating to containers shall not take effect until the 1st day of July, 1911."

This bill has passed the House and Senate.

#### HOUSE BILL NO. 546.

By Mr. Reynolds, February 16, 1909.

Substitute Amendment No. 1A.

A substitute amendment was adopted and prohibits the sale of flour artificially bleached; prohibits the use of benzoic acid or benzoates, except when used on goods for shipment and applied externally, and in such a manner that the preservative will be removed before the food is ready for consumption.

This bill has passed the House and Senate.

#### HOUSE BILL NO. 747, A.

By Mr. Reynolds, Feb. 23.

Referred to Committee on Public Health.

Amends Sections 40600 and 40601 of the Statutes relating to foods and drugs.

The sixth definition of adulteration is to the effect that an article shall be deemed to be adulterated or flavored in imitation of the genuine color or flavor of another substance.

The bill also provides that all labeling of packages required shall be on the main label of each package and in such characters and such size of type as shall be uniform with the name of the brand or the name of the manufacturer or jobber and in terms so placed in consecutive order and grouped that the label may be plainly seen and read in its entirety by the purchaser using ordinary care.

The above bill has been amended in the Senate by inserting after the word "alcohol" in the House amendment the following words, "except when intended for external use only and so labeled," and has passed both branches of the Legislature.

#### HOUSE BILL No. 891-A.

Introduced by Committee on Dairy and Food.

This bill relates to the sale of sausage and sausage mixtures, and has passed the House and Senate.

#### HOUSE BILL No. 893-A.

Introduced by Committee on Dairy and Food.

This bill relates to definitions and standards for fruit and fruit products and to the labeling and sale of mixed jellies, jams, preserves and fruit butters, and has passed the House and Senate.

Jack—"The fortune-teller said I would marry a blonde."

Belle—"Did she say how soon?"

Jack—"In six months."

Belle (coyly)—"I can easily be a blonde by that time, Jack."

## MINNESOTA DAIRY AND FOOD DEPARTMENT.

### BULLETIN NO. 31.

ST. PAUL, May 5, 1909.

The following synopsis of the provisions of the several laws enacted by the Legislature, the session of which recently closed, is given for the benefit of the producers of and dealers in dairy and creamery products:

Section 1740 of the Revised Laws of 1905 has been amended so as to make pasteurization of *whey* delivered from cheese factories compulsory, the same as has been the pasteurization of skim milk from creameries for some time, by heating the whey to at least 180° F.

Section 1741, of the Revised Laws of 1905, amended at a previous session of the Legislature, is now changed by eliminating the exemption from the license provision of the law of those owning and selling milk from not more than three cows. Hence, all who make sales of milk or cream in or to be used in municipalities, unless to be manufactured into butter or cheese, are now required to take out the usual license.

Section 1743, of the Revised Laws of 1905, now provides that all milk or cream received or purchased for the purpose of manufacturing into butter or cheese, shall be received or purchased by weight, and paid for on the basis of the butter fat contained therein. Said section as amended, further provides in effect, for taking the test samples of cream by weight, and the use of no other appliance than the Babcock test for testing milk or cream; and the falsification, manipulation, overreading or underreading of such test, or the use of such false reading is made a misdemeanor.

Section 1744, of the Revised Laws of 1905, as amended, now not only requires the delivery of milk, cream or ice cream to persons, factories or common carriers in cans or other vessels free from filth or rust and in a wholesome condition, but requires, in addition, a thorough cleansing of such cans before returning same to the shipper.

Chapter 353, General Laws of 1909, authorizes creameries to label butter packages as containing butter made from pasteurized milk or cream, in the event that certain provisions of the law, as to the use of effective pasteurizing apparatus, shall have been complied with.

Chapter 468, General Laws of 1909, makes discrimination in prices paid for milk, cream or butter fat in different localities a misdemeanor, and provides heavy penalties in the event of its violation.

On and after January 1st, 1910, all operators of the Babcock testing apparatus will be required to secure license from the Dairy & Food Commissioner, after having passed a satisfactory examination, according to the provisions of Chapter 498, General Laws of 1909.

ANDREW FRENCH,

## CHEMISTS' CONGRESS ENDED.

London, June 2.—The International Congress of Applied Chemistry held its final session in London today, and the delegates accepted by acclamation the American invitation to hold the next congress in 1912 at Washington. Professor E. W. Morley, of West Hartford, Conn., was unanimously selected to be honorary president of the 1912 gathering and Dr. W. H. Nicholls, of New York, was made acting president.

The congress closed its labors by adopting a mass of resolutions advising international inquiry and action in the matter of many of the subjects discussed during the past week.

Ambassador Reid presented the invitation to meet at Washington on behalf of the American delegates. He said that while they might not be able to surpass the splendid hospitality of London, the Americans would try to make the delegates feel at home.

## SOUTHERN WHOLESALE GROCERS.

The Southern Wholesale Grocers convened at Hot Springs, Ark., May 28 and effected a complete change in the officials in control of the association. Mr. Van Hoose, retiring president, was desirous of re-election in vindication of his policies but lacked the necessary strength.

The newly elected officers are: President, Samuel H. Phillips, of Memphis, Tenn.; vice presidents, T. H. Scoville, of Shreveport, La., and Lloyd Harper, of Selma, Ala.; treasurer, W. W. Mallory, of Memphis, Tenn.; advisory board, Tom C. Davis, of Arkansas; J. H. McLaurin, of Jacksonville, Fla.; B. B. Earnshaw, of Washington, D. C.; A. F. Pendleton, of Valdosta, Ga.; W. T. Reeves, of Tupelo, Miss.; R. A. Morrow, of Monroe, N. C.; J. C. Wolburn, of Charleston, S. C.; J. A. Sloan, of Columbia, Tenn., and Marshall L. King, of Alexandria, Va.



### A PURE FOOD SUMMER RESORT.

H. B. Meyers, Editor AMERICAN FOOD JOURNAL, Chicago, Ill.

Dear Sir: In reply to your communication of recent date, making inquiry as to the merits of Alexandria as a place where nerve-strained business men of Chicago might find rest and recreation during their summer vacation, will say "best ever."

This is truly a "pure food" summer resort. Here you get pure air, pure water, pure milk, pure butter, fresh eggs, fruits and vegetables in abundance. No coal-tar dye in the food up here—not even in the butter. And the bread is all made from unbleached flour.

You have heard that old saying, "God sends food and the devil sends cooks." This does not hold good in Alexandria. Our women are not only the most beautiful in the world, but they are also the best cooks. What more can you ask?

As to the beauty of our lake scenery and the size and number of our fish—well, I will leave that to a minister of the Gospel who lives in your own city. The Rev. R. Keene Ryan, in "Directory," a church paper of Chicago, says:

"I had the joy and satisfaction of spending a few days last month in the beautiful little city of Alexandria, Minnesota. I never heard of the place until a short while ago, but now that I have been there and seen its marvelous beauties I unreservedly say to all who are seeking a nice, quiet place to spend the hot, sultry days of summer, 'go to Alexandria.'"

"You will have to see the place to get any idea of its scenery and grandeur and its cool, shady nooks; its placid, dreaming lakes; its vine-clad hills; its deep, melancholy forests; its dark, winding roads, and its rich, fertile soil, abounding with farms, owned by well-to-do, prosperous farmers."

"But it is the lakes primarily that charmed my eye and bewitched my senses, appealing as they did to all that was aesthetic in my soul."

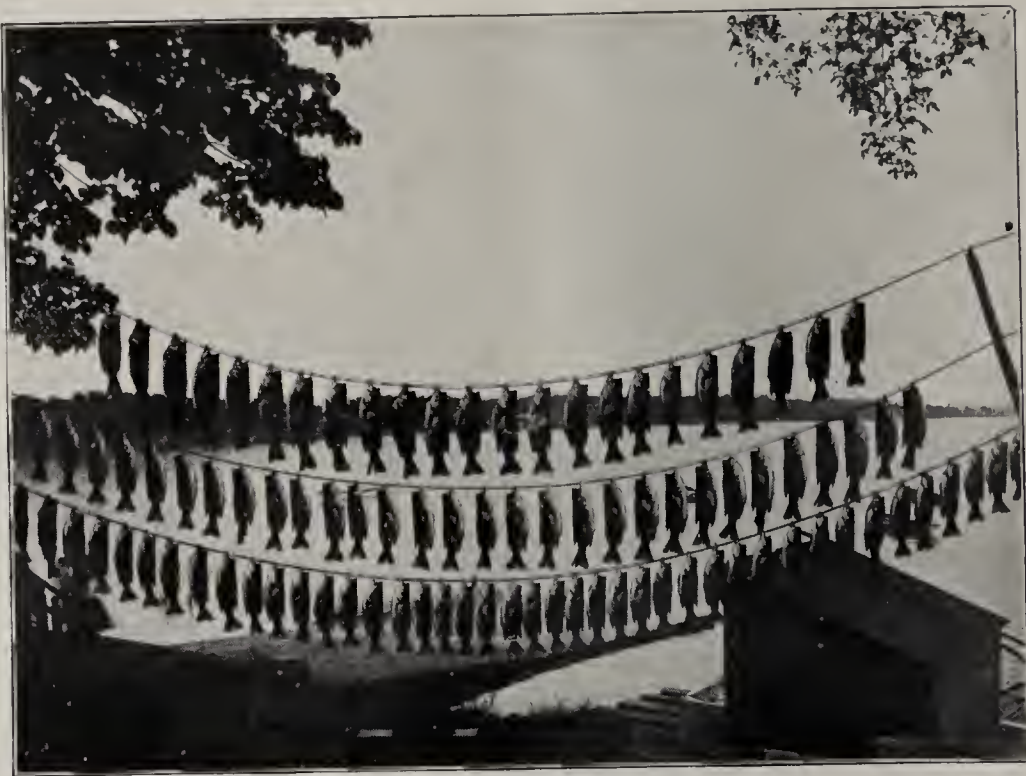
"The world nowhere contains a more perfect chain of lakes fed by never failing springs of cool, clear, limpid waters, swarming with all manner of fish from the snake-like pickerel to the wall-eyed pike and bass."

"Douglas, the county in which beautiful Alexandria is situated, is one of the most charming spots in the world. There are over four hundred splendid lakes in this one county alone, most of them wide in expanse and deep almost as the sea."

"Standing in the tall belfry of the Douglas county court house, I viewed one of the most picturesque and pleasing panoramas I ever witnessed in this world. As far as the vision of man could sweep, forests, lakes and broad-lying prairies were spread before my enchanted eye, dotted here and there by the pleasant, comfortable, commodious homes of the most prosperous people in the world."

"The cattle grazing contentedly on the hillsides—the meadows and the fields covered with the richest provender on this earth—the ripening grain maturing for the markets of the world—the great trains steaming and shrieking from the ocean to the lakes—in the distance the beautiful lakes lying spread out before my enraptured vision like sheets of glass, all made a picture more beautiful than poet ever sang of or any artists ever spread upon priceless canvas. From almost every

section of this country people pour into this little city on the lakes during the hot, sultry months of summer. Slowly but surely it is becoming one of the most famed summer resorts in America. One day I predict it will be the most famous, the most sought. Already tourists and health and pleasure seekers are finding out this marvelous little city snugly nestled in the great northwest, are buying homes along the shores of its calm and placid lakes, and spending their vacations fishing and rowing in its waters, bathing on its pebbly beaches, wandering through its deep, mournful forests and finding rest for their tired nerves and worn-out bodies that is hard to find anywhere else.



A CATCH AT ALEXANDRIA, MINN.

"Alexandria is fast becoming the Mecca for all those who are seeking rest and quiet and the waters of its lakes the healing fountains of perpetual youth and health."

"The winds that blow across this section of the great northwest come from the mountains and the plains laden with sweet perfume and burdened with the life-giving ozone that insures refreshing sleep and heartiest appetite. In all my wanderings through this country I never came across a town



LAKE MILTONA, ALEXANDRIA, MINN.



where there were so few sick and so many well people. All the people that I came in contact with up there seemed glad that they were alive and intent on living as long as they could.

"It is a city of fine churches, nearly every denomination on earth having a building or a following there of some kind, and the people seem to dwell together in love and harmony.

"The county has a fine system of schools. In fact one of the very best systems in the nation, the jails are absolutely empty, no paupers, no criminals, the people sleep with their windows up and their doors unlocked, and such fearless confidence in one another I never saw anywhere."

For the accommodation of the people of Chicago who expect to visit Alexandria during the coming season, the Great



"I CAUGHT THEM."

Northern Railway will run a through train. This new train, the "Oriental Limited," commencing May 23, will leave Chicago over the Burlington at 10:45 p. m., arriving in Alexandria the next day. Returning, this train is scheduled to leave Alexandria at 5:30 a. m., arriving in Chicago the evening of the same day.

## BLEACHED FLOUR EMBARGO NOW EFFECTIVE

### Interstate Transportation Will Be Illegal.

Secretary James Wilson of the Department of Agriculture in a letter to Mr. Russell C. Johnson, chairman of the flour committee of the New York Produce Exchange, makes clear some points that have been puzzling the flour trade ever since the publication of the decision against bleached flour manufacture. The chief question was whether or not flour manufactured up to June 9, the date which the decision is to take effect, could thereafter be transported from one State to another. Many members of the trade believed they should be permitted to ship flour they may have held in store for weeks or months past, but the Department takes the position that flour not actually in transit by the day in question must thereafter be consumed within the State.

In his letter to Mr. Johnson, Secretary Wilson takes up the questions seriatim, as follows:

1. May artificially bleached flour, manufactured prior to June 9, 1909, be legally transported to another State after June 9, 1909?

No. You should refer to the last paragraph of Food Inspection Decision No. 100.

2. May wheat flour be artificially bleached in the State of New York after June 9, 1909?

Yes, so far as the national food law is concerned, provided it is not sold outside of the State in which it is bleached.

3. Is artificially bleached flour, milled in another State, but on hand in New York on June 9, 1909, exempt from penalties?

With respect to this question you are referred to Food Inspection Decision No. 100, last paragraph, in which it is stated that no action will be brought by the Department on flour which has been bleached and which has been shipped in interstate commerce prior to June 9, 1909.

4. May such flours be legitimately sold after June 9, 1909?

This is answered under question 3.

5. May artificially bleached flour on hand in New York on June 9, 1909, be transported to another State?

This is answered in the last paragraph of Food Inspection Decision No. 100 by inference that the Department will begin prosecutions for the shipment in interstate commerce subsequent to June 9, 1909.

6. May artificially bleached flour, milled in this or any other State after June 9, 1909, be exported?

You are referred to section 2 of the Food and Drugs Act, found at the end of circular No. 21, which covers the conditions under which bleached flour may be exported.

## CIVIL SERVICE EXAMINATION FOR CHEMICAL ASSISTANT IN DAIRYING.

### Department of Agriculture.

JUNE 30, 1909.

The United States Civil Service Commission announces an examination on June 30, 1909, to secure eligibles from which to make certification to fill at least two vacancies in the position of assistant in dairying (qualified in dairy chemistry), at a salary of from \$1,020 to \$1,620 per annum, in the Dairy Division, Bureau of Animal Industry, Department of Agriculture, and vacancies requiring similar qualifications as they may occur in that department.

Competitors will not be assembled for any of the tests.

The examination will consist of the subjects mentioned below, weighted as indicated:

Subjects.	Weights.
1. General education, including preparatory and general college work .....	15
2. Special training along chemical lines.....	20
3. Experience in chemical or other scientific work (including analytical or research work with special reference to dairy, biochemical and physiological chemistry; also scientific papers published).....	30
4. Plan for chemical investigation.....	15
5. Thesis embodying original work (copies of papers included under subject 3 will be accepted in lieu of the thesis if desired by the competitor and so indicated on the copies of papers submitted by him) .....	20
Total .....	100

Age limit, 20 years or over on the date of examination.

This examination is open to all citizens of the United States who comply with the requirements.

This announcement contains all information which is communicated to applicants regarding the scope of the examination, the vacancy or vacancies to be filled, and the qualifications required.

Applicants should at once apply to the United States Civil Service Commission, Washington, D. C., for application Form 304 and special form. No application will be accepted unless properly executed and, with the material required, filed with the Commission at Washington prior to the hour of closing business on June 30, 1909. In applying for this examination the exact title as given at the head of this announcement should be used in the application.

Issued June 3, 1909.

## A PLEASING DISH.

By Amy Lyman Phillips, Hotel Plaza, New York.

M. Lattard, one of the best known maitres d'hotel in New York, is the creator of some splendid novelties in the line of appetizers for dinners or informal suppers that are sure to be appreciated by all who love good living, as served at a large new hotel facing the Plaza.

One is an hors d'œuvre which is delightful to look at and delicious to taste. Scald and peel as many medium sized tomatoes as are required and take a slice off the top, removing the inside. Place these on lettuce heart leaves on the small plates and fill with crab meat that has been dressed as follows: Make a French dressing with mustard and chili sauce, very hot, and mix with some mayonnaise in the proportion of one-third mayonnaise to two-thirds dressing. Blend thoroughly, fill the tomato shells and decorate with some of the mayonnaise on top.



# Opinion on "What Is Whiskey"

by Solicitor General of the United States

LLOYD W. BOWERS

With Abstracts of Arguments of Counsel

## OPINION OF SOLICITOR GENERAL BOWERS.

May 24, 1909.

The President.

Sir: Pursuant to the Executive Order made by the President of the United States on April 8, 1909, which reads:

A number of distillers and importers of spirits and whisky, represented by Lawrence Maxwell, Esq., Hon. Joseph H. Choate, Alfred Lucking, Warwick M. Hough and Hon. W. W. Armstrong, having appealed to the President for a hearing with respect to the order issued by the Commissioner of Internal Revenue, known as Order No. 723, pursuant to the rules and regulations for the enforcement of the Food and Drugs Act and Food and Inspection Decision No. 65, promulgated and made by the Secretary of Agriculture under date of May 14, 1908, claiming that the provisions of said order are in violation of the terms of the said Act in that they require to be branded as imitations or compounds or otherwise whiskies which have well settled names in the trade, and which it was not the intention of Congress by the said Food and Drugs Act to require to be described by any other designation; and certain distillers of whisky having appeared by Edmund W. Taylor and the Hon. John G. Carlisle, after consideration the matter is hereby referred to Hon. Lloyd W. Bowers, Solicitor General of the United States, to take testimony and report to the President his opinion upon the following points, namely:

I.

What was the article called whisky as known (1) to the manufacturers, (2) to the trade, and (3) to the consumers at and prior to the date of the passage of the Pure Food Law

II.

What did the term whisky include?

III.

Was there included in the term whisky any maximum or minimum of congeneric substances as necessary in order that distilled spirits should be properly designated whisky?

IV.

Was there any abuse in the application of the term whisky to articles not properly falling within the definition of that term at and prior to the passage of the Pure Food Law, which it was the intention of Congress to correct by the provisions of that Act?

V.

Is the term whisky as a drug applicable to a different product than whisky as a beverage? If so, in what particulars?

The Solicitor General will from time to time determine the extent and character of the hearing and will report with his opinion the evidence taken by him pursuant hereto.

WM. H. TAFT.

April 8, 1909.

I have the honor respectfully to report as follows:

At the beginning of the hearings on April 8, 1909, appearances were made before me by Hon. Joseph H. Choate and Alfred Lucking, Esq., on behalf of Hiram Walker & Sons, Manufacturers; Lawrence Maxwell, Jr., Esq., and Warwick M. Hough, Esq., on behalf of rectifying distillers and blenders and eastern rye distillers; Hon. John G. Carlisle and Edmund W. Taylor, Esq., on behalf of various whisky distillers; and William W. Armstrong, Esq., on behalf of Duffy's Malt Whisky Company.

On May 15, 1909, appearance was made before me by J. D. Rouse, Esq., on behalf of the Louisiana Distillery Company.

On April 8, 1909, preliminary statements were made, but no evidence was taken. On April 17, 1909, the taking of

evidence began, and it continued from day to day (except Sundays) through May 1, 1909.

On May 7 and May 8, 1909, final arguments were made by the parties appearing as above stated on April 8, 1909.

On May 15, 1909, evidence was taken at the instance of the parties appearing on that day, and argument also was then made for those parties.

### TESTIMONY AND ARGUMENT.

The oral testimony taken before me comprises 2,365 pages, contained in 17 separate books, numbered 1 to 16 consecutively, and also 19; each labeled upon its cover "Use of the Term Whisky. Before the Solicitor General," over my signature.

A voluminous mass of documentary evidence also was submitted to me.

The final arguments of counsel made on May 7, 1909, and May 8, 1909, are found in books numbered 17 and 18 and labeled and signed by me like the books of testimony. The arguments for the parties appearing before me on May 15, 1909, are contained in book 19, above mentioned, on pages 2721-2742.

All the testimony and documentary evidence offered before me and the arguments made before me accompany, and are submitted as part of, this report.

### ANSWERS TO THE SEVERAL QUESTIONS STATED IN THE ORDER OF THE PRESIDENT.

The first question is:

I.

What was the article called whisky as known (1) to the manufacturers, (2) to the trade, and (3) to the consumers at and prior to the date of the passage of the Pure Food Law?

My opinion upon, and answer to, this question is:

(1) The article called whisky as known to the manufacturers at and prior to the date of the passage of the Pure Food Laws was:

(a) What is often spoken of as "straight whisky," made from grain.

(b) Also, what is often spoken of as "rectified whisky," made from grain, when not a mere neutral spirit, as described in section (d), below, of the answers to this question I.

(c) Also a mixture of straight whiskies, or of rectified whiskies, or of straight whisky and rectified whisky or of straight whisky and what is often known as neutral spirit (made from grain), or of rectified whisky and such neutral spirit (made from grain), or of straight whisky, rectified whisky and such neutral spirit (made from grain), if in the particular case the mixture satisfied the description of whisky given below in answer to question II.

(d) Also, neutral spirit—being a distillate from grain, which lacks a substantial amount of by-products (other than alcohol) derived by distillation from grain and giving distinctive flavor and properties—when, but only when, colored and flavored and sold by the manufacturer to a retailer; but the purchasing retailer in such case seldom knew that in fact he was getting neutral spirit, colored and flavored.

Such neutral spirit made from grain was not known to the manufacturer as whisky in the dealings of distillers with rectifiers; and I do not consider that it is proved to have been known as whisky in the dealings of distillers or rectifiers with wholesalers. A neutral spirit made from molasses, potatoes, or any other substance than grain has not been known to manufacturers as whisky, except in very rare cases.

(2) The article called whisky as known to the trade at and prior to the date of the passage of the Pure Food Law was:

(a) What is often spoken of as "straight whisky," made from grain.



(b) Also, what is often spoken of as "rectified whisky," if conforming to the description of whisky given below in answer to question II.

(c) Also, a mixture of straight whiskies, or of rectified whiskies, or of straight whisky and rectified whisky, or of straight whisky and what is often known as neutral spirit (made from grain), or of rectified whisky and such neutral spirit (made from grain), or of straight whisky, and such neutral spirit (made from grain), if in the particular case the mixture satisfied the description of whisky given below in answer to question II.

(d) Also, neutral spirit—being a distillate from grain, which lacks a substantial amount of by-products (other than alcohol), derived by distillation from grain and giving distinctive flavor and properties—when colored and flavored; except that neutral spirit was not known to retail dealers as whisky, because such retailers seldom were aware that the article which they were buying or selling was in fact neutral spirit.

A neutral spirit made from molasses, potatoes, or other substance than grain has not been known to the trade as whisky.

(3) The article called whisky as known to the consumers at and prior to the date of the passage of the Pure Food Law was:

(a) What is often spoken of as "straight whisky," made from grain.

(b) Also, what is often spoken of as "rectified whisky" if conforming to the description of whisky given below in answer to question II.

(c) Also, a mixture of straight whiskies, or of rectified whiskies, or of straight whisky and rectified whisky, or of straight whisky and what is often known as neutral spirit (made from grain), or of rectified whisky and such neutral spirit (made from grain), or of straight whisky, rectified whisky, and such neutral spirit (made from grain), if in the particular case the mixture satisfied the description of whisky given below in answer to question II.

A neutral spirit derived by distillation from anything else than grain has not been known to the consumer as whisky, whether or not it was colored or flavored or both colored and flavored; and a neutral spirit derived by distillation from grain, but lacking a substantial amount of by-products (other than alcohol) which are derived by distillation from grain and give distinctive flavor and properties, has not been known to the consumer as whisky, whether or not it was colored or flavored or both colored and flavored.

The second question is:

## II.

What did the term whisky include?

My opinion upon, and answer to, this question is:

The term "whisky" included, both at and prior to the date of the passage of the Pure Food Law, and has since included the spirituous liquor composed of (1) alcohol derived by distillation from grain; (2) a substantial amount of by-products (often spoken of as congeners) likewise derived by distillation from grain and giving distinctive flavor and properties; (3) water sufficient without unreasonable dilution, to make the article potable; and (4) in some cases—though such addition is not essential—harmless coloring or flavoring matter, or both, in amount not materially affecting other qualities of whisky than its color or flavor.

A mixture of two or more articles, being each a whisky within the foregoing description, was at and prior to the date of passage of the Pure Food Law, and has since been, whisky. A mixture of one or more whiskies, being each whisky within the foregoing description, with alcohol or a neutral spirit—being an article different from whisky through lack of a substantial amount of by-products derived by distillation from grain, and giving distinctive flavor and properties—is whisky, if the alcohol or neutral spirit is derived by distillation from grain, and if the mixture still conforms to the above general description of whisky; and so it was at and prior to the date of passage of the Pure Food Law.

A spirit derived from any other substance than grain was not at or prior to the date of passage of the Pure Food Law, and has not since been, whisky; and a mixture of a whisky with such spirit was not at or prior to the passage of the Pure Food Law, and has not since been, whisky.

A neutral spirit derived by distillation from grain, but lacking a substantial amount of by-products derived by distillation from grain and giving distinctive flavor and properties,

was not at or prior to the passage of the Pure Food Law, and has not since been, whisky.

The third question is:

## III.

Was there included in the term whisky any maximum or minimum of congeneric substances as necessary in order that distilled spirits should be properly designated whisky?

My opinion upon, and answer to, this question is:

There was included in the term whisky a minimum of congeneric substances as necessary in order that the distilled spirit should be properly designated as whisky, viz., such substantial amount of those congeneric substances as is requisite to give to whisky distinctive flavor and properties, differing from the flavor and properties of alcohol and of other distilled spirits. There was no maximum of such congeneric substances, however, except as potability might demand.

The fourth question is:

## IV.

Was there any abuse in the application of the term whisky to articles not properly falling within the definition of that term at and prior to the passage of the Pure Food Law, which it was the intention of Congress to correct by the provisions of that Act?

My opinion upon, and answer to, this question is:

There were such abuses. The evidence, however, has not been such as to make possible, or to justify an attempt at, enumeration of the particular abuses, beyond saying that they included the application of the term "whisky" to spirits distilled from other substances than grain, or to mixtures of such spirits with whisky, or to neutral spirits derived from grain but not whisky within the description of it given in answer to question II, or to such mixtures of neutral spirits and whisky as do not fall within the description of whisky given in answer to question II.

The fifth question is:

## V.

Is the term whisky as a drug applicable to a different product than whisky as a beverage? Is so, in what particulars?

My opinion upon, and answer to, this question is:

The term whisky as a drug is not applicable to a different product than whisky as a beverage.

## AN OUTLINE STATEMENT OF SOME PRINCIPAL GROUNDS OF THE FOREGOING ANSWERS.

It seems proper, and even due, that I give briefly my chief reasons for some of the answers above made: especially where those answers depend in part upon legal considerations. The evidence discloses little conflict among the witnesses or in the literature concerning pure facts; and a detailed review of it therefore becomes undesirable, unless further report of that character be hereafter directed.

The questions which I have been called upon to consider have no answer in the act of Congress approved June 30, 1906, and known as the Pure Food Law. That statute deals with whisky as well as food, drink, confectionery, condiments and drugs generally, and prohibits their adulteration or misbranding; but it does not afford any means of determining what any one of such articles is in its true nature or proper constituents. Before it can be said whether an article is adulterated, by being made to be other than its true nature requires, or is misbranded by being given a name which is not properly applicable to the article, it is necessary first to know what the article really is—in its true nature and ingredients—whose name is given to the thing claimed to be adulterated or misbranded. Concretely, before one can say whether the name "whisky" is wrongly applied to a particular article, it is necessary first to ascertain what is properly called whisky; and that must be ascertained outside the statute.

Nor do the questions which I have been called upon to answer relate at all to the relative excellence or merit of one or another article. The problem is not whether straight whisky is better than a blend, or the reverse! or whether whisky is better than alcohol, or the reverse; or whether whisky, gin, brandy, or rum is best; or whether whisky or water is better. The sole problem is, what is whisky in the general and true significance of that name; or what makes a thing whisky, instead of its being alcohol, brandy, gin, rum, or water.

Whisky is not a natural product. It is always a thing manufactured by man. Whether a thing be natural or artificial, however, its name is given to it by man; and accordingly in this matter of names the actual usage of the people controls. A name imports what the people understand by it.



The questions in hand can be determined therefore only by endeavoring to ascertain the significance of the word "whisky" in the public mind; and that depends upon intelligent public usage.

Further, it is the usage of the public at large and of the public of the United States, rather than the verbal practice of manufacturers or traders in whisky (if that practice differs from general usage) or the public usage in foreign countries, which must decide what the name "whisky" means.

The Pure Food Act and all similar statutes are intended for the protection of the general public; the fundamental object of such enactments being to assure to the people generally their receipt and use of the very article which, by reason of the public meaning of the name under which they ask for or accept a thing, they expect and are entitled to have. In other words, the Pure Food Act is designed to prevent the fraudulent imposition upon the ordinary purchaser or consumer of an article different in character or quality from what such ordinary purchaser or consumer may fairly expect in consequence of the ordinary and general meaning of the name under which he orders or receives that article. Insistence upon the controlling force of the popular meaning of whisky is necessary in this matter because, as I have found, the usage of manufacturers and dealers, in reference to the name whisky, differs importantly from the usage of people at large; though, as I have also found, the name whisky is used generally by retailers in the trade quite as the public use it.

It is thoroughly established that, in such a matter as the present, the popular use and meaning of such a name as whisky must control the trade use or meaning of that name, if the two differ. Two leading judicial decisions will illustrate this. In England, upon a prosecution for selling adulterated green tea, it was found that the article alleged to be adulterated was imported from China and was not a natural green tea, but was colored in China; that this article, however, was the tea generally known to the trade as green tea; that a natural green tea is grown in Japan, but was not generally known to the trade as green tea; and it was held that consumers were entitled to expect the natural article under the name "green tea," notwithstanding the contrary use of that name by the trade. The court said:

It may be that green tea may come in time to mean pure tea with a facing of foreign materials. According to the case, that is now the opinion of the tea trade. \* \* \* \* The question, however, is what the public who are the purchasers and consumers understand by the expression "green tea" when they ask to buy it. The case finds that the public know nothing about the coloring of gypsum and Prussian blue. Except for its being an article of commerce known in the trade as green tea, this mixture would be admittedly an adulteration; and the fact of the public ignorance makes it so in this case, notwithstanding the received use of the term amongst persons who know what it means.

(Roberts v. Egerton, 30 L. T. (N. S.), 633.)

In this country a similar ruling has been made. In a controversy over the rightful use of the name "Syrup of Figs" it appeared that the main ingredient of syrup of figs was not fig syrup at all, but syrup of senna; that the true constitution of the article, however, had come generally to the knowledge of the trade through various trade publications; but that the public had been led to believe, and did believe, that the article was made mainly of fig syrup. The United States Supreme Court refused to protect the name "Syrup of Figs," on the ground that it deceived the public though the trade understood it, saying:

Such publications (i. e., as to the true character of the article) went only to giving information to wholesale dealers. The company by the use of the terms of its so-called trade mark on its bottles, wrappers and cartons, continued to appeal to the consumers, out of whose credulity came the profits of their business. And, indeed, it was the imitation by the defendants of such false and misleading representations that led to the present suit.

(Worden v. California Fig Syrup Co., 187 U. S. 516.)

I turn now to the question which is perhaps of chief moment in the controversy over whisky, viz., whether a so-called "neutral spirit," i. e., a distillate from grain which is not substantially different from pure ethyl alcohol (likewise made from grain), may properly be called whisky; which question, in view of the decisive influence of general, popular usage, is really whether neutral spirit has come to be called whisky by the people at large. I have found that such neutral spirit, at least when colored and flavored like some whisky,

has been actually called whisky for a long period by manufacturers in their sales to retailers and by wholesale and retail traders in their dealings with one another and with consumers; but I have likewise found that this same neutral spirit was being sold during the same period by distillers to rectifiers as neutral spirit—and not as whisky—and that retail traders seldom knew that they were receiving or were selling a mere neutral spirit, and that consumers have not known that in fact they were using a mere neutral spirit, given them under the name of whisky. Under these conditions I have been unable to accept the view that such neutral spirit has become entitled to the name "whisky;" and several reasons seem to forbid any such views.

1. There is no possible doubt that the public has been almost always ignorant that it was actually receiving and using a practically pure alcohol.

During the long period of the manufacture of whisky before 1870 or somewhat later (when the modern processes for making neutral spirit came into growing use), whisky unmistakably contained besides alcohol an important amount of associated products derived with the alcohol by distillation from a ferment of grain; and the word whisky, therefore, certainly indicated until 1870 or somewhat later an article containing such grain contributions other than alcohol. It seems to me that the name whisky cannot be considered to have been extended by the public since 1870 to an article importantly different from what before 1870 was known as whisky, viz., to pure or practically pure alcohol, without its being shown that the public since 1870 have accepted the name whisky as such radically new and different application *with knowledge* that what was being given them as whisky was in fact alcohol. In the absence of such knowledge, the public must have supposed that they were still getting under the name of whisky what they had always previously gotten under that name. In other words, while the people make their language and give its words their meaning, that process depends upon the conscious and intelligent application of words to given ideas or things. A name does not come to include a new article, different from what has previously been known under that name, through mere application of the name to such new article by mistake or in ignorance, whether or not the mistake be induced or the ignorance be caused by fraud. Names embrace only such things as the people actually have in mind when they use those names.

However different alcohol be from whisky which contains a substantial amount of by-products derived with its alcohol from grain, it may be admitted that alcohol could come to be embraced within the name whisky if the public were consciously designating alcohol as whisky; but it is quite immaterial how extensively alcohol has been given to the public or received by it as whisky if the public did not know that it was in fact getting mere alcohol. The public cannot be held to intend or consent that alcohol be called whisky without knowing that the article to which the name is being applied is really alcohol.

2. Further, as I have found, the retail dealers themselves have been largely ignorant that neutral spirit was actually being sold them when they ordered whisky, or that they were selling neutral spirits to consumers asking for whisky. An important part of the trade consequently has not yet consciously accepted the name whisky for pure or practically pure alcohol.

Also, as I have found, rectifiers do not order neutral spirits from distillers under the name whisky, but they order it by the special and unmistakable name of neutral spirit, cologne spirit, or perhaps, sometimes, merely spirit. Even trade usage has not been uniform.

3. The name alcohol admittedly persists in entirely general use, and the article to which it is applied is most familiar. Have the public come to call the same thing both whisky and alcohol indifferently? Or do they still mean different things by the two words? It cannot readily be believed that these two words, alcohol and whisky, have become identified in general use.

4. The particular thing concerning which the public of the United States seems to be most united in reference to whisky is that it be made from grain. The literature of the subject insists upon this same point; though some dictionaries and other works recognize that it may be made from other substances, such as potatoes, beets, or molasses. It is unimportant for the present point whether molasses may be used in making whisky, and that question will be considered later. Even if whisky may be made from other things than grain, it unquestionably must retain the qualities



fundamental in grain whisky. What, then, do the public and the literature of the subject mean when they dwell upon the importance of the grain origin of whisky? Do they mean that whisky shall derive no more than its alcohol from grain? Such a view would make it quite unimportant whether whisky is made from grain or from any other of the scores of articles from which alcohol can be derived; for alcohol is the same thing whether derived from one or another source. If alcohol is whisky, then anything that will yield alcohol may properly be used for the production of whisky.

In my opinion the importance attached to the origin of whisky in grain indicates that the grain must contribute to whisky some distinctive and peculiar elements, which cannot as well be gotten from other things than grain. Those other elements are the congeneric substances or by-products which are gotten with the alcohol through distillation from grain.

Just as whisky is commonly viewed as made from grain, rum is understood to be made from sugar cane or molasses and brandy is understood to be made from fruits. The only things that differentiate whisky and rum and brandy are the by-products of the distillation; and if only alcohol is essential to whisky or to rum or to brandy, it might as well be said that whisky may be made from fruits or from molasses, because they will yield the same alcohol that is gotten from grain; and it might as well be said that rum may be made from grain or from fruits, because grain or fruits will yield the same alcohol that is gotten from sugar cane; and it might as well be said that brandy may be made from grain or from sugar cane, because grain or sugar cane will yield the same alcohol that is gotten from fruits. All distinctions between these articles fall unless they are differentiated by their by-products or congeners; and both the public views and the statements of the books about the origin of these several articles become trivial unless distinctive and characteristic substances other than alcohol are essential to whisky, rum and brandy, respectively, and those substances are gotten from the grain or sugar cane or fruits from which the public and the books believe that the whisky, rum or brandy should be made.

An illustration may be taken from cane sugar, beet sugar and maple sugar. These three things have for their base an article called sucrose, which is identical whether it is gotten from one or another of the three things. By processes of refinements the associated or congeneric substances may be separated and the sucrose so gotten in pure form from either cane, beet or maple sugar. Is that sucrose, the common element in the three sugars, the same as any one of the three; and if the same as anyone, is it not the same as all; and accordingly are not all three cane, beet and maple sugar—themselves the same things? If sucrose is maple sugar or beet sugar or cane sugar, it would be foolish to say that maple sugar comes from the maple tree, or that cane sugar comes from the sugar cane, or that beet sugar comes from beets; because the sucrose might as well come from any of them. In the same way it would be trivial, I think, for the public or the books to insist upon the grain origin of whisky if it may consist only of alcohol, which as well can be gotten from a hundred other things than grain.

5. Another thing which the witnesses agree is dominant in the public mind about whisky is its capacity for betterment through age. In this feature whisky is looked upon by the public just as wines, brandies and rums are; all are thought to improve with age. The public therefore must still retain the idea that whisky consists of something else than alcohol, just as they must think that wines, rums and brandies consist of something else than alcohol; for alcohol has not the property of improving by age as whiskies, wines, rums and brandies do. Next to the grain origin of whisky, this idea that whisky has a nature or is composed of things leading to improvement with age is probably the most common and definite of the public opinions about whisky; and it is significant of what the public must think whisky to be.

6. The United States Pharmacopoeia (as revised to June 1, 1907) thus describes whisky: "An alcoholic liquid obtained by the distillation of the fermented mash of grain—such as Indian corn, rye, wheat and barley, or their mixture. An amber colored liquid having a distinctive odor and taste and a slightly acid reaction." Certain specific tests for good whisky, as distinguished from poor whisky, are then added; but they are unimportant here.

This definition of whisky is in line with the other tests which I have mentioned, and is weighty. Only grain is recognized as a proper origin for whisky; and beyond that whisky is recognized as having "a distinctive odor and

taste." The odor and taste of alcohol are indisputably not those of whisky, any more than are the odor and taste of wine, rum, or brandy; and such distinctive odor and taste of whisky can only come from the by-products of its distillation, derived with the alcohol from the grain.

7. Several judgments of the courts are important. It has been distinctly held in United States Circuit courts for the Southern District of Ohio (western division); for the Southern District of Illinois (northern division); for the Northern District of California; and for the Eastern District of Kentucky, that neutral spirit (that is, an article which is pure or practically pure alcohol) is not whisky. These decisions, indeed, go to the length of holding that the mixture of an admitted whisky with neutral spirit may cease to be whisky, if the addition of neutral spirit is unduly large; but they involve *a fortiori* that neutral spirit alone is not whisky.

Union Distilling Co. et al v. Bettman et al.

Woolner & Co. et al v. Rennick, Collector et al.

Western Distillers v. Muentner et al.

Joseph W. Cheeseman et al v. Myers.

(N. B. These cases having not yet appeared in the regular legal reports, the first three may be found on pp. 120, 133, 137, Vol. II, Internal Revenue Decisions, 1908. The Cheeseman case seems not yet to have been reported in any printed publication.)

The same thing, that alcohol is not whisky, was held by Attorney General Taft under date August 4, 1875 (Int. Rev. Rec. and Customs Journal, issue of August 21, 1876; found in Vol. 22, No. 34, fol. No. 607).

In England, upon two prosecutions in the Borough of Islington for selling what was called in one case Scotch and in the other case Irish whisky, though in fact it consisted in the former instance of a mixture of Scotch whisky and neutral spirit, and in the latter instance of a mixture of Irish whisky and neutral spirit, the magistrate held the mixture to be unduly diluted with neutral spirit and therefore not to be Scotch whisky or Irish whisky, and in the course of his decision also pronounced neutral spirit itself not to be whisky. I have been unable to find this decision reported elsewhere than in the publication of the United States Department of Agriculture, Bureau of Chemistry, Bulletin No. 102, issued December 20, 1906. The magistrate's decision was affirmed upon appeal by a tied court.

The case just mentioned led to a considerable agitation in Great Britain concerning the character and purity of the articles currently sold as whisky, and on February 17, 1908, a Royal Commission was appointed to require and report:

1. Whether, in the general interest of the consumer, or in the interest of the public health, or otherwise, it is desirable:

(a) To place restrictions upon the materials or the processes which may be used in the manufacture or preparation in the United Kingdom of Scotch Whisky, Irish Whisky, or any spirit to which the term whisky may be applied as a trade description.

(b) To require declarations to be made as to the materials, processes of manufacture or preparation, or age of any such spirit.

(c) To require a minimum period during which any such spirit should be matured in bond; and

(d) To extend any requirements of the kind mentioned in the two sub-divisions immediately preceding to any such spirit imported into the United Kingdom.

2. By what means, if it be found desirable that any such restrictions, declarations or period should be prescribed, a uniform practice in this respect may be satisfactorily secured.

The final report of this commission has not yet been made, but on June 24, 1908, the commission submitted an interim report as follows:

Whilst the labors of the Commissioners are by no means terminated, we have arrived at certain conclusions, which we now humbly submit to Your Majesty as follows:

1. That no restrictions should be placed upon the processes of, or apparatus used in, the distillation of any spirit to which the term "whisky" may be applied as a trade description.

2. That the term "whisky" having been recognized in the past as applicable to a potable spirit manufactured from (1) malt, or (2) malt and unmalted barley or other cereals, the application of the term "whisky" should not be denied to the product manufactured from such materials.

We reserve for further consideration the question of the advisability or otherwise of attaching special significance to



particular designations such as "Scotch Whiskey," "Irish Whisky," "Grain Whisky," and "Malt Whisky;" of placing restrictions upon the use of such designations as trade descriptions; or of requiring such designations to be used in connection with the sale of whisky.

We ask your Majesty's permission to postpone stating in full the grounds upon which we have arrived at the above conclusions until we submit our final Report upon all the matters referred to us.

It has been strongly contended that this report shows that neutral spirit properly passes as whisky in Great Britain, notwithstanding the case from the Borough of Islington. I do not so construe the report. In the first place, the questions submitted to the Commission were what action, if any, of a legislative kind ought to be taken, instead of being questions concerning existing fact or law. The conclusion of the commission concerning the expediency of legislative action naturally would be, and probably was, quite unaffected by any question whether neutral spirit is really whisky in England as the law now stands. If neutral spirit is not whisky in England, as was announced in the Borough of Islington case, there would be no occasion for legislation to forbid its being called whisky, even if it were thought that it ought not to be called whisky; and, on the other hand, if neutral spirit is whisky in England, no legislative restrictions upon its being so called would be recommended unless the public health or other weighty considerations were found to put the balance of advantage upon the side of a new restrictive rule.

In the second place, the commission expressly reserves the question whether some such name as "grain whisky" or other particular description ought not to be required for a neutral spirit, and any conclusion of the commission that neutral spirit should be permitted to be called whisky might be induced or at least importantly influenced by a preference for legislation requiring neutral spirit to be labeled "grain whisky" or by other distinctive name, clearly indicating its special and peculiar character, instead of requiring that neutral spirit, be not called whisky at all.

The inquiry before me, however, as to what is whisky under existing fact and law in the United States, does not permit my taking into account the relative advantage of different legislative possibilities for practical treatment of the situation.

A report made by a Select Committee of the House of Commons of the British Parliament, appointed under order of July 7, 1890, for consideration of the subject of British and Foreign Spirits, is more pertinent to the questions before me than the stated Royal Commission's report. This Parliamentary committee's report (made April 30, 1891) takes the definite position that "whisky is certainly a spirit consisting of alcohol and water, with a small quantity of by-products coming from malt or grain, which gives to it a peculiar taste and aroma" (p. V of the Report); and this position is in entire accord with, and directly supports, the conclusion which I have reached concerning neutral spirit.

If then, the by-products or congeneric substances derived by distillation from a fermented grain are necessary in some amount, beside alcohol, to make whisky, how much of these by-products is essential? All pertinent considerations show, in my opinion, that the amount of by-products must be substantial, giving to the whisky distinctive flavor and properties, but that no higher amount can be required and no more definite rule can be fixed.

1. It is obvious that no less than a substantial amount of by-products will suffice, otherwise there will be no substantial difference between alcohol and whisky. A mere trivial addition of by-products to alcohol cannot convert it into whisky.

2. The problem really lies in the question whether all or most or any definite percentages of the by-products obtainable by distillation from grain are essential to whisky; and here the history of the art is quite decisive. As already said, whisky is purely a manufactured article; and the evidence shows that it has never been made to contain all the by-products procurable by distillation from grain. Some of them have always been left behind in the distilling process or have been deliberately eliminated in the course of manufacture. Beyond that the course of the art has been continuously, though gradually, to reduce the amount of by-products in whisky. At any one time, too, the proportion of by-products has greatly varied in different places and among different makers. All the while the public have accepted these articles, with varying strength or quantity of by-products, as whisky; and until the point was reached where

a substantial amount of the by-products no longer remained in association with the alcohol it could not be said that the article had change in kind. Until that point was reached the difference was only in degree. It is impossible to draw a line anywhere between what remains whisky and what ceases to be whisky, on the basis of the amount or proportion or strength of by-products or congeneric substances, until the alcohol no longer has with it a substantial amount of such by-products, giving distinctive flavor and properties and differentiating the article substantially from alcohol.

3. No one of the reasons I have given for my conclusion that pure or practically pure alcohol is not whisky prevents acceptance as whisky of an article in which the by-products of the distillation from grain are present in substantial and effective amount. The public are not given an article actually of a different kind in ignorance of that fact so long as the qualities of stronger whisky are present in substantial amount. The insistence of the public and of the general and technical literature on the subject that whisky be derived from a special source, rather than from any one of the many things out of which alcohol may be obtained, is satisfied. The names whisky and alcohol remain distinct instead of being identified. And the judicial decisions which I have cited are not contravened; for none of those cases decides what amount or strength of by-products must be present to make whisky. Finally, the betterment from aging of course becomes possible when the by-products are present in substantial degree, whether or not that betterment is as great as would occur in a whisky containing more by-products.

4. Nor can it be an objection to the rules requiring a substantial amount of by-products to be present that the determination of such amount is a question of fact. In the absence of the erection of a definite standard by competent public authority, the distinction of whisky from alcohol inevitably will depend upon such questions of somewhat indefinite fact. The law does not shrink from such questions as is illustrated by the decisions of courts and juries concerning what is negligence (or a want of ordinary care), or concerning what is reasonable time, or concerning what is the reasonable or fair value of services or of goods upon which no definite price has been put by agreement. Indeed, in this very field of legislation concerning the adulteration or misbranding of food products the statute often itself recognizes a necessarily indefinite question of fact as decisive, and sometimes the statute even creates the question of fact. Thus, the English Sale of Foods and Drugs Act, 1875 (38 & 39 Vict., c. 63), section 6, says that:

No person shall sell to the prejudice of the purchaser any article of food, or any drug which is not of the nature, substance and quality of the article demanded by such purchaser, and it is held to be a question of fact under this act whether the article furnished the purchaser is what he "would reasonably expect to receive."

(Webb v. Knight, L. R. 2 Q. B. D., 530.)

Similarly, section 4 of the act of Congress approved May 9, 1902 (32 Stat. 193, 94), includes among different kinds of "adulterated butter" such as is made "with intent or effect of causing the absorption of abnormal quantities of water, milk or cream;" and it is held that in the absence of definite regulations, such as the act empowers the Commissioner of Internal Revenue to make on the subject, a jury could determine whether the quantity of absorbed water, milk, or cream is "abnormal."

(Coopersville Cooperative Creamery Co. v. Lemon, 163 F. 145.)

The contention that whisky may be made from molasses I have found to be incorrect. This question, like most of the others, depends wholly upon the fact whether or not the American public have knowingly recognized and accepted as whisky an article made from such a source; and I am compelled to believe that most Americans would be surprised by an assertion that it could be so made. It is true that some dictionaries say that whisky, besides being made from grain, is sometimes made from potatoes or molasses; but such manufacture of whisky from potatoes has never existed, I believe, in Great Britain or in the United States, and its manufacture from molasses is not known to have occurred elsewhere than in the United States, and has been carried on only by two firms in the United States, and for a period not very considerable. The public certainly cannot be considered yet to have learned that what is sometimes given it as whisky—though on no relatively extensive scale—is actually made from molasses; nor can the public be considered yet consciously to have acquiesced in such an origin for



whisky. It may be that by careful modern processes and management an article not very different from grain whisky can be made from molasses; but, on the other hand, differences will appear in consequence of the use of grain or molasses unless there be the nicest manipulation, and it is probable that some differences always exist. On the theory of the advocates of molasses whisky themselves, it would be just as possible to make rum or brandy from grain, or to make whisky or rum from fruits, as to make whisky from molasses. It would hardly be disputed, however, that the public have not come to the point of regarding rum or brandy as a thing made from fruit; and I consider and have found that the public likewise do not yet regard a thing made from molasses as whisky.

I come now to the subject of the addition of coloring or flavoring matter as affecting the right to the name whisky. On the one hand, the evidence convinces me that the public do not consider that added coloring or flavoring matter can make whisky out of what otherwise, or before such addition, is not whisky. Whisky is regarded generally and naturally as having a flavor and properties of its own. There is no more reason for saying that alcohol becomes whisky because colored and flavored like some true whisky than for saying that alcohol becomes brandy or rum because colored and flavored like some brandy or rum. As a matter of fact, the manufacture of imitation brandies by this process of coloring and flavoring alcohol has at times been quite extensive in the United States and other countries. Nobody has yet contended, however, that such colored and flavored alcohol is brandy; though it has sold to and is used by the public under the name of brandy in quite the same way, and relatively perhaps to total consumption in as large amount, as colored or flavored alcohol has been given to the public as whisky.

On the other hand, the mere addition of harmless coloring or flavoring matter to what is previously whisky does not destroy its whisky character, unless such addition unduly dilutes or otherwise effects (as the addition of water may do) other essential properties of the whisky. It has always been true that coloring or flavoring matters of one or another kind were extensively used in making whisky. Old sherry casks long ago were used for this purpose in England. Saffron and fruit juices have long been so employed. And the evidence makes it quite clear that the use of the charred barrel for holding whisky is largely, and probably altogether, a method of coloring and flavoring; because the whisky derives from the charred barrel important quantities of tannin and certain tars and resins which affect the coloring and flavoring.

Whisky having been, then, in all its history extensively and variously colored and flavored, by addition of extraneous matter, and coloring and flavoring cannot be considered illegitimate or incompatible with the name whisky. The United States Pure Food Law also provides in terms that the addition of "harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only" is consistent with the terms "blend" and therefore, of course, may be done without creating a compound article.

One of the most important matters in a practical view is whether a mixture of an admitted whisky with neutral spirit or alcohol may be called whisky. Such mixtures have been made most extensively for a very long period, and have become a most popular form of the beverage both in the United States and in England. It is even true, as I understand the testimony, that a larger quantity of these mixtures than of straight whisky has been consumed during the last twenty years or more. My reasons for holding that this mixture of whisky with alcohol or neutral spirit is entitled to the name whisky—provided the mixture retains a substantial amount of by-products in proportion to the volume of the mixture, giving distinctive flavor and properties—are two:

1. As a matter of pure theory I can see no reason why the mixed article is not whisky, so long as it retains the substantial quality of whisky within the description which I have attempted in answer to question II. Alcohol is an admittedly proper and essential ingredient of whisky; indeed, it is whisky's chief ingredient. The addition of alcohol to whisky is therefore not the introduction of a foreign substance, but is merely an enlargement of the proportion of one proper constituent. In other words, addition of alcohol to whisky is merely a form of dilution; just as the addition of water is. Nobody would contend that whisky is compounded or adulterated because more water is put with it unless the dilution by water so far as to rob the article of that sub-

stantial strength which is deemed characteristic of it. Dilution by water lessens both the alcoholic strength and the strength of the products, or what shortly may be called the congeneric strength of whisky. Dilution by alcohol lessens only the congeneric strength, without reducing the alcoholic strength. Why, then, may not alcohol be added just as well as water, without destroying the right of the article to be called whisky, unless the dilution with alcohol unduly affects the congeneric strength?

The grounds have already been given on which I have found that the by-products of distillation from grain need be present in whisky only to the extent of a substantial amount, which has and gives distinctive flavor and properties. All those reasons support the use of the name whisky for an article retaining such substantial amount of by-products, whether its content of by-productions be the same as when the article first comes from the still or has been reduced within proper limits by subsequent addition of alcohol. For a particular case, we may notice the fact that straight whiskies themselves vary greatly in their congeneric strength; one straight whisky sometimes being three or four times as strong as another in amount of congeners. Unmistakably, reduction of the stronger straight whisky by addition of alcohol to an identity with the weaker whisky does not deprive the mixed article of the name whisky. In principle this case is the same as any other case of mixing with alcohol, if the dilution of congeneric strength does not go beyond the limit of preserving to the mixed article the requisite substantial amount of by-products.

2. It is really unimportant whether I am right on this point of mixing whisky and alcohol as a matter of theory or logic; for the most extensive acceptance and use of the mixed article by the public as whisky for a period probably not less than thirty years, and perhaps longer, has entitled it to the name whisky as a matter of fact. So long as the mixed article varies only in respect of being stronger or weaker, without losing distinctive flavor and properties in substantial degree, and consequently the article has not altered its essential nature, it cannot be said that the public has given the name whisky to the article in ignorance of its character or under a delusion concerning the thing to which the name whisky was being applied. Even a compound article, made by the commingling of two things wholly foreign to each other, may through informed application to it by the public of a single distinctive name acquire the full right to that name. In such case, the established distinctive name properly described the compound article; and the Pure Food Act recognizes this, it being provided in section 8 of that act that "in the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article," the use of such name shall not be a misbranding. Whisky mixed with alcohol cannot be an imitation of other whisky, while it still retains the requisite amount of by-products of the distillation from grain, because it is identical with unmixed whisky, under the description which I have given of it; and mixed whisky which remains identical in constitution and character with another article properly called whisky cannot in its own use of the name whisky be said to be using the distinctive name of the other, identical article. These things, as I have said, are true even when a single distinctive name is used for a true compound; even more plainly they must be true concerning the use of an established distinctive name for an article which is mixed only in the sense that a further quantity of one of its own proper and essential ingredients has been put into it.

In this connection I wish to quote from the report of the Select Committee on British and Foreign Spirits, appointed under order of the House of Commons of the English Parliament, to which I have already once referred. That committee said in its report dated April 30, 1891, that whisky may be diluted with a certain quantity of water without ceasing to be whisky, and it may be diluted with spirits containing a little of the by-products to suit the pocket and palate of the customers, and it still goes by the popular name of whisky. Your Committee are unable to restrict the use of the name as long as the spirits added are pure and contain no noxious ingredients. (P. V of the Report.)

Further, the committee said:

Your Committee do not recommend any increased restrictions on blending spirits. The trade has now assumed large proportions, and it is the object of blending to meet the tastes and wants of the public both in regard to quality

(Continued on page 22.)



# THE AMERICAN FOOD JOURNAL



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## HON. WILLIAM LORIMER, UNITED STATES SENATOR FROM ILLINOIS.

The author of THE AMERICAN FOOD JOURNAL's pure food bill has been called to higher duties in the services of his countrymen.

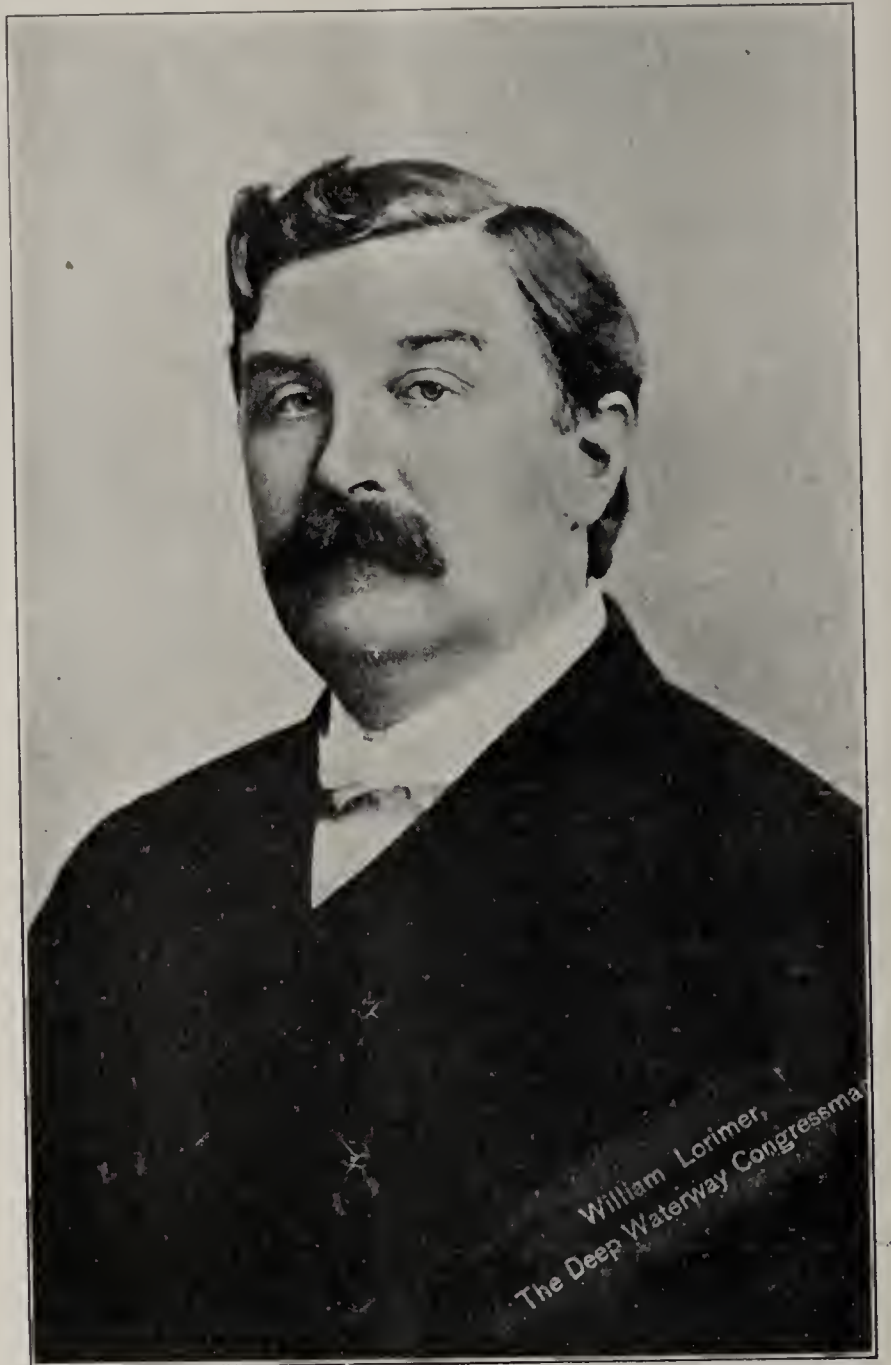
Hon. William Lorimer, after an almost unprecedented dead-lock, lasting throughout the entire session of the Illinois Legislature, was elected United States Senator to succeed Former Senator Hopkins.

While Senator Lorimer is perhaps more widely known as The Father of the Lakes-to-the-Gulf Deep Waterway, he has evinced a special interest in food legislation, introducing as has already been said, THE AMERICAN FOOD JOURNAL's pure food bill in the House of Representatives. Many of our leading national legislators and Food Control officials have said this bill would have been much sounder legislation than the Mann-Heyburn bill, which passed. Congressman Lorimer with Representative Wadsworth, of New York, led the movement which modified the original meat inspection crusade into the beneficent and popular meat inspection act now on the statutes. He has been bitterly opposed politically by the newspaper trust of Chicago, and his position on the meat inspection act was assailed to prevent his return to Congress. Congressman Lorimer at that time accepted the proposition of his adversaries and proved the correctness of his views before his constituency in mass meetings held in tents throughout his district and gained a victory at the polls.

Senator Lorimer is another illustration of how a poor boy can win his way to the most honorable positions in the United States. He was born in Manchester, England, and emigrated to this country at an early age. Here he started at the bottom of the ladder as a newsboy and worker in the Union Stock Yards and finally a street car conductor. Here he evinced his first qualifications as an organizer and incidentally his independence in politics when he refused to be bound by the dictates of the party leaders and voted for the plumed knight, James G. Blaine, for President in the Minneapolis convention. Today he is practically secure in his political power in Illinois, and in a position to do efficient and energetic work in Washington.

In mental attitude he is rather to be classed with the conservatives than with the radicals and may always be looked upon to support any measure which will work toward the well-being of his constituents.

That he has the good of the entire people at heart is evinced by his interest in and advocacy of the deep-waterway project. THE AMERICAN FOOD JOURNAL



HON. WILLIAM LORIMER.

rejoices with the people of the State of Illinois in the election of William Lorimer to the U. S. Senate.

## HON. WILLARD HANSEN.

Willard Hansen was appointed State Dairy and Food Commissioner of Utah on the 11th day of March of this year. His likeness will be found on the front cover of this issue.

Commissioner Hansen was born in the northern part of Utah in 1876, and thus brings youthful energy into the food work of that State. He received his first education in the public schools and then took a course in the Agricultural College of Utah, receiving a special certificate in dairying. After leaving the college he spent five years managing creameries in different parts of the State.

It will thus be seen that Commissioner Hansen is particularly fitted to handle the dairy part at least of the food control work in Utah. In the central and western states the encouragement of the State industries, particularly as to dairying, is more important than the other branches of food work and Commissioner Hansen may be expected to build up the position of Utah as a dairy State, making it at least on a par with its sister states in the growing West.



**SOLICITOR GENERAL BOWERS OPINION.**

One additional black and blue decoration to the unenviable collection now on Dr. Wiley's anatomy will not attract great attention, unless the Doctor desires to make a public exhibition of his discomfiture. In fact, the public has come to look for Dr. Wiley reversals in the morning papers and would be considerably disappointed should they not find at least one. Ordinarily a savant would be somewhat zealous of his reputation and of his opinions, especially those at the foundation of his professional qualifications, but Dr. Wiley has long been unable to distinguish between fame and notoriety and no doubt welcomes each additional finding of the unsoundness of his views as another opportunity to bathe in the lime light.

It is, of course, unfortunate that in each and every case where Dr. Wiley has taken a stand and attempted to enforce his dictum on commercial customs both within and without the law, which stand has been proved to be without scientific foundation and even contrary to scientific investigation that he was in each case backed by special industries who hoped to reap benefit from their trade advantage and indeed have reaped such benefit.

Those industries, too, have been as a rule powerful without government aid and asked the highest prices for their product, and the prices were still further advanced when competitors were barred or compelled to do business under the threat of government prosecution.

It is not intimated that Dr. Wiley bargained to restrict competition to one variety of goods for any personal advantage, and there are many indications to warrant the belief that his mistakes might just have easily occurred for one interest as another, but it is certain that the industries he has helped have taken unusual measures and spent much money to continue him in power.

The last crushing defeat of Dr. Wiley is the opinion given President Taft by Solicitor-General Bowers on the whisky controversy. It will be remembered that President Taft empowered Lloyd W. Bowers, Solicitor-General of the United States, to take depositions and testimony on the whisky controversy. Dr. Wiley has contended that the word "whisky" should be circumscribed to the article which has become known as straight whisky. In this contention he secured the favorable consideration of former Attorney-General Bonaparte, who in an opinion in witty setting declared that all other whiskies than straight whiskies should be labeled blend, compound or imitation. President Taft in reopening the question desired the solicitor-general to take testimony and render a decision on the following questions:

1st. What was the article called whisky as known to the manufacturer, trade and consumer at and prior to the passage of the Pure Food Law?

2d. What did the term "whisky" include?

3d. Was there included in the term "whisky" and maximum or minimum of congeneric substances as necessary in order that distilled spirits should be properly designated whisky?

4th. Was there any abuse in the application of the term "whisky" to articles not properly falling within the definitions of that term which it was the intention of Congress to correct by the provisions of the Pure Food Act?

5th. Is the term whisky as a drug applicable to a different product than whisky as a beverage?

These questions Solicitor-General Bowers answers categorically and then proceeds to a general justification of his views.

The introduction of testimony required three weeks and the report will make several good sized books. The opinion covers twenty-seven typewritten pages and is a clear exposition of the solicitor-general's views. It will be found in full, together with the briefs of the lawyers in another part of this issue.

In general the decision of Solicitor-General Bowers is a decided victory for the blenders and a defeat for the straight whisky interests. He decides that whisky must be made from grain only and should contain a substantial amount of secondary or congeneric products which give character to the whisky. He would not attempt to set limits for these congeneric substances. Under this decision neither alcoholic distillates made from other substances than grain nor neutral spirits made from grain are entitled to the term "whisky." In fact, the decision defines whisky and its substitutes in identically the same general terms as the definitions and standards proposed for the guidance of state food commissioners before the National Food and Drugs Act was passed.

Dr. Wiley's standards and the opinion of General Bonaparte are in the discards. President Taft will probably ask the Internal Revenue Department to amend their rulings which were based on Bonaparte's opinion to conform with the findings of his solicitor-general.

First came the reversal in the definition for "corn syrup"; second came the finding of the harmlessness of "benzoate of soda"; third came the recognition of other whisky than the "bottled-in-bond" variety.

The children have a doggerel which runs "One, two, three, out goes he." Three misses in the ball game entitles a man to the bench. Whether it is three times and out with Dr. Wiley remains to be seen, but if he were to have a dozen chances it is clear that he would muff them all, as the system on which he works is not provided with a substantial and scientific foundation, nor with a governor and balance wheel.

**THE T. A. SNIDER PRESERVE CO. SOLD TO JEFFERSON LIVINGSTON.**

Jefferson Livingston, owner of three-fourths of the capital stock of the T. A. Snider Preserve Co., has completed a financial deal by which he becomes sole owner of the business, buying out the remaining interest of T. A. Snider for \$170,000. Mr. Livingston entered the employ of T. A. Snyder 25 years ago, at the age of 19, receiving \$5 a week; he helped to build up the business into a million dollar concern and now buys the business.

The company is said to be the largest manufacturers of catsup in the world. Other products, as chili sauce, pork and beans, salad dressing and tomato soup, are also prepared. Both the catsup and latter products of the firm are manufactured from formulas of Mrs. Snider, who, before her husband engaged in the preserving business, kept a boarding house and became famous for the excellence of her preserved foods. Mr. Snider lived to reap substantial benefit from the fruits of her genius and her husband's industry.

From the day he entered the plant Mr. Livingston had an ambition to become sole owner and at length his ambition is fully realized. As he has long controlled the business of the company no change in policy is anticipated.



**MANUFACTURING ARTIFICIAL SENTIMENT.**

Two Wiley anti-administration organs, the Washington World (Dem.) and Barrells and Bottles, the bottled-in-bond liquor paper, sent out telegrams to such of the food chemists and commissioners as are always ready to holler "Ouch!" when Wiley's shins are skinned, and also by mistake to a few less obsequious officials, for the purpose of getting ammunition with which to influence President Taft to reject Solicitor-General Bowers' opinion on "What Is Whisky," furnished at the President's request.

In order that no possible question should arise as to the parentage of the request and the kind of answer required the World incorporates a falsehood or two in the telegram which as sent to one of the food commissioners is as follows:

"Washington, D. C., June 10, 1909.

"President not yet approved whisky decision of Solicitor-General Bowers permitting mixture of whisky and neutral spirits to be labeled whisky without qualification. As food official of state, is this finding correct? How would you label such mixture? Is use of caramel coloring to imitate age objectionable in your judgment? If Bowers decision stands what will be effect on fight for pure food in your state? Will standards last pure food congress, adopted by 26 states, permit labeling such mixture as whisky. Reply collect.

"The Washington Times."

Before asking if caramel coloring used to imitate age is objectionable wouldn't it be proper to ask whether caramel is used to imitate age. Before asking whether standards of the last pure food congress adopted by twenty-six states will permit the ruling of the solicitor-general, wouldn't it be desirable to give the time and date of the congress? As a matter of fact there has been no pure food congress in this country since the St. Louis Exposition in 1904. At that congress, which was called by the state food commissioners, the whisky controversy had not yet reached an acute stage, and no whisky standards had been framed, although Director Scovell did succeed in passing a resolution endorsing the standards being prepared by the Agricultural Chemists' Standard Committee. This action was neutralized, however, by the National Association of State Dairy and Food Departments the same day deciding to formulate standards for themselves and appointing a committee for that purpose. The standards referred to, however, are not the standards adopted by any congress, but are those of Dr. Wiley acting through the Association of Official Agricultural Chemists and given governmental recognition for a time through a provision of the Agricultural Appropriation Act. By virtue of their short-lived official character, aided by a strong federal machine pull, with many modifications they have been adopted by several states, but scarcely in one, let alone twenty-six, without any modification.

The source, character and object of the telegram apparent, of course all the pensioners will stand up and be counted.

When Overseer Dowie would ask all of his following from whom he had cast out devils to arise, the response was always prompt and gratifying to all at least but the devil.

The answers of the Wiley cohorts are no less spontaneous.

Frear, aye; Scovell, aye; Jenkins, aye; Allen, aye; Ladd, aye. For the most part answers to the World's

telegram came from chemists who have played the game with Wiley in the Association of Official Agricultural Chemists and who have broken into the food field as chemists or in some cases as commissioners. Freer is quoted as food commissioner of Pennsylvania, whereas in fact Foust enjoys the fruits of the job. But few, if any, additions to the old guard are noticed. The slim minority, who have on so many occasions, by letter and telegraph, represented the entire body of food commissioners, have played the game so often that it is worn out.

The answers to the liquor organ's telegram have not been published, but the same ring will rush to the front.

Some of the people dissatisfied with the whisky decision are trying to make it appear that President Taft is departing from the Roosevelt policies. There is, however, no truth in this, as applied to food matters, although President Taft does not appear to be as attached to the bureaucratic form of government as was his predecessor. But as regards foods and the pure food law, President Roosevelt had already gone to the sources of knowledge for his facts, had appointed the Referee Board and Consulting Experts, and accepted and acted on their first report. He had called experts before him, obtained their views on whisky, which were again contrary to those held by Dr. Wiley, and on the last days of his term of office was about to modify the whisky ruling, when, on the plea of his attorney-general that his pride would be wounded by overthrowing his most famous document and the one that entrenched his fame as a humorist, he concluded to leave the honors to his protege and successor, President Taft. So really the Wiley losers have no excuse or defense to offer except that their position is not based upon scientific grounds.

**TEST CASE ON BLEACHED FLOUR.**

It has been decided to bring a test case in Omaha, to test the validity of the bleached flour ruling of Secretary Wilson. Efforts were directed to induce Secretary Wilson to modify his ruling, but they were unavailing. The matter of the test case was arranged through President Taft and the attorney-general.

**GENEROUS TO ILLINOIS FOOD DEPARTMENT.**

The Illinois legislature at its bi-annual session just closed, made a very liberal appropriation for the State Food Commission for Illinois as follows:

"To the State Food Commission, the unexpended balance on hand, September 30, 1909, appropriated in Article 61 of 'An Act to provide for the ordinary and contingent expenses of the state government until the expiration of the fiscal quarter after the adjournment of the next regular session of the General Assembly,' approved June 4, 1907, in force July 1, 1907, and the additional sum of thirty-two thousand four hundred dollars (\$32,400), to be expended as follows:

"For expenses six state analysts, \$1,500 per annum; for expenses of sixteen inspectors, \$15,000 per annum; for expenses of laboratory office supplies, \$1,500 per annum; for rent of offices and laboratory, \$3,600 per annum; for postage, \$3,000 per annum; for expense of the State Food Commission, \$3,000 per annum; for expenses, telegraph, telephone and office expense, \$1,300 per annum; for expenses of Food Standard Commission, \$2,000 per annum; for expenses of attorney, \$500 per annum."



**THE TAX ON FOODS.**

Taxes of all kinds are obnoxious but ubiquitous. At present Congress is engaged in re-adjusting the import schedules. On the one hand there is the popular demand to decrease the import duties and on the other the cry of the industries for additional protection. The most important duty of the statesman, however, is the one lost sight of by his constituents, namely, how to secure sufficient revenue to run the government. Of late the expenses of the country have enormously increased and the production of the country has enormously decreased. The principal sources of government revenue have been seriously crippled and cannot now care for the wants of the country. The internal revenue receipts, chiefly on alcohol and alcoholic beverages, oleomargarine and tobacco, formerly relied on to meet a large part of the expenses of the government, are but a fraction of their former figure.

The prohibition movement has seriously crippled the saloon business and lessened the consumption of alcoholic beverages, cigars and tobacco. Anti-cigarette laws also probably cut some figure in the consumption of tobacco.

The denatured alcohol law, which allows alcohol used in the industries to be produced and sold free of tax, has further crippled the resources of the government, although as yet the amount of alcohol so used has not been enough to greatly stimulate that branch of industry. The attitude of an official of the government supported in a measure by a former attorney-general, in casting unmerited calumny on whisky as regards its purity and requiring all but a certain comparatively new kind of whisky to be labeled blend, compound or imitation, has further lessened the production of whisky, and the revenue derived therefrom.

The hostile attitude of the dairy states toward oleomargarine has limited the output of that once staple product, both locally and by political influence exerted in the halls of Congress, even throughout the length and breadth of the land.

The government tax of ten cents per pound on colored oleomargarine is practically prohibitive, as it was intended to be, and the tax of but one-quarter cent a pound on the small amount of uncolored oleomargarine sold will not even maintain the officials for its collection.

It is then a serious business to get enough cash to finance the government and all the new officials, and inspectors, and inspectors to investigate inspectors now on the payrolls.

Thus it is that we have not only a proposed duty on gloves and stockings, but on meats and spices, sugar and coffee and cocoa, edible oils and many others of the staple foods. It is probable that the schedules as already prepared in Senate and House will suffer considerable change in conference, but it is obvious that the country faces one of two propositions. If not a tariff on foodstuffs and an indirect tax on the people then a direct stamp tax on comestibles or whatever will best yield revenue to meet the expenses of the government.

The Tennessee Legislature, in addition to the passage of House No. 535, allowed the Pure Food and Drug Inspector an assistant chemist at a salary of \$1,800.00 per annum, and \$500.00 for laboratory expenses.

**OHIO COMMISSIONER TO ENFORCE FEDERAL LAW.**

R. W. Dunlap, State Dairy and Food Commissioner has recently been to Washington, where it is said he has obtained a promise from the United States Department of Agriculture that the government Pure Food officials would aid him in cases Dunlap desires to bring in Ohio under federal statutes. A government chemist has been detailed to aid Commissioner Dunlap. If Commissioner Dunlap is successful in the cases under consideration and which apparently have already been started under the Ohio statutes, he will institute wholesale prosecutions under the federal statute against manufacturers of "inferior" flavoring extracts manufactured in other states than Ohio, in which commodity Ohio is said to be floating.

What is wrong here? If Ohio is flooded with "inferior" extracts shipped in from other States which crime can be reached under federal statutes, why do not the federal officials get busy and enforce the federal statutes. If Ohio is flooded with inferior vinegar why should Ohio food officials apply for federal assistance.

Every State in the Union had succeeded in practically stamping out all adulterated and misrepresented vinegar before the federal law was passed. Even several cities, notably Boston, had the vinegar situation under control thirty years ago, and before any of the states had food laws, and food officials.

In the infancy of the food movement other states looked to Ohio for information in dealing with adulterated vinegar, and now after every other state through its own efforts is clean, Ohio looks to the government.

THE AMERICAN FOOD JOURNAL in embryo and in active existence, recognized the injustice of driving out adulterated goods by punishing the retail dealer, particularly when the wholesaler or manufacturer lived outside the State, and therefore was not amendable to the State Food Laws. THE AMERICAN FOOD JOURNAL worked for a National Food Bill that would enable the states to enforce their laws without injustices to any of their people.

Under that bill the Ohio Food Commission could have enforced the Ohio Food Law in Ohio on any transgressor whether from Portland, Maine, or Portland, Oregon.

That bill, however, failed to receive consideration. The bill that passed contained no such authority.

Under the Ohio statutes there is no authority to prosecute under the National Law. Under the National Law there is no authority for the Ohio Food officials to prosecute except they do it through the government officials empowered to enforce the law, and in the manner and subject to the provisions of the act. How then can the Ohio Commission evoke this law in Ohio? By what authority do the federal officials interfere in the enforcement of State laws? This country is supposed to be ruled by law, and not by ukase; by the people, not by autocratic bureaus.

If Commissioner Dunlap in any legitimate work in his line, needs any further State or National power to prosecute his work, he should ask the people through their representatives for such power. The fact that he does not is an indication that he wants to do something that the people will not sanction. But this is another story.

Owing to lack of space we omit the list of Food Control officials in this number.



### A PRIVILEGED COWARD

Speaker Bancroft of Wisconsin, who jumped into the limelight of notoriety by his theatrical denouncement of Secretary of the Treasury Franklin McVeagh as having built up his business and made a fortune by marketing adulterated goods, has again burst forth in a tirade in a tilt over the provisions of an amendment to the Wisconsin Pure Food Law. According to the Evening Wisconsin he is quoted as saying:

"President Roosevelt told Prof. Emery that the finding of the special committee that benzoate of soda was not injurious to health worked the one time when he had been fooled by Standard oil," said Mr. Bancroft. "The finding of the committee was worthless, because the committee was packed. One of the three was a chemist from the famous kerosene oil university at Chicago, and another was from the corn syrup system which is dominated by Standard oil."

It is here apparent what in previous reports could only be suspected that Speaker Bancroft is but the mouthpiece of Commissioner Emery.

There is, of course, no word of truth in the entire charge. The most despicable feature in connection therewith, however, is that Speaker Bancroft took a cowardly advantage of his position to make his speech in the assembly whereby it is privileged and he could not be prosecuted or made to answer in a legal way for what he said.

### BORDEN'S SECURES INJUNCTION.

The following letter, which has been mailed by Borden's Condensed Milk Co. to the manufacturing confectionery trade in the United States and Canada, is of interest to our readers, inasmuch as the retailer and wholesaler alike are liable under the law for the sale of such goods:

"You are hereby notified that in a suit brought by Borden's Condensed Milk Company vs. Margulies & Schuchman, of Jersey City, also known as the Boston Cocoa Mfg. Co. (and formerly known as Boston Chocolate Co.) an injunction has been granted restraining the said Margulies & Schuchman from using the word 'Boston' and the packing of their chocolate or milk chocolate products in imitation of those manufactured by Borden's Condensed Milk Co. Please note that in protecting our rights we have the same justification in proceeding against wholesalers and retailers who have been distributing this brand and other fraudulent imitations of our goods of whatever manufacture.

"We trust that on receipt of this communication you will cease purchasing or offering any such imitations, as it is not our intention to cause you any unnecessary inconvenience unless obliged to do so in protecting our rights, which we propose to do. We have not taken the question up more vigorously at an earlier date as we had been advised that the fraudulent offerings would cease without the necessity of court action. Inasmuch as we have been obliged to resort to the court and the court has decided to protect us, we propose to act with all the resources at our command against fraudulent imitators as well as distributors."

### CHANGES IN FOOD DEPARTMENTS.

Frank Whitney succeeds W. W. Wall as secretary to the Minnesota Food Commission. Mr. Biscomb has been appointed chemist in Nashville, Tenn. Capt. Bode has been appointed inspector in Illinois.

### ILLINOIS TO INVESTIGATE THE TUBERCULIN TEST AND PASTEURIZING OF MILK.

The Illinois legislature adopted a joint resolution to investigate the necessity of adopting the Tuberculin test and the effect of Pasteurizing milk for the Chicago supply, and is the outcome of Resolution No. 16, introduced by Speaker Edward D. Shurtleff of McHenry county, which was referred to the Committee on Live Stock and Dairying. Mr. Thomas Tippet, as chairman of this committee, reported the same back with a substitute therefor (Resolution No. 20). From information which we now have we believe the speaker will be chairman of the joint committee, which probably will consist of the following House members: Guy L. Bush, Thomas Tippet, Frank W. Shepard, Dr. A. Lane, Dr. J. W. Allison. On behalf of the Senate, the members are Senators Pemberton, Olsen, Hearn and McKenzie.



HON. EDW. D. SHURTLEFF.

### House Joint Resolution No. 20.

Whereas, The General Assembly in 1907 passed an act providing for the appointment of a food standard commission, with certain powers granted, to determine the quality, purity and strength of various foods, and among other things provided that the State Food Standard Commission, in determining and adopting a standard of quality, purity and strength of milk or cream, shall fix such standard as may be determined solely by the examination and test of milk and cream and the can or receptacle in which it is placed; and

Whereas, The City Council of the City of Chicago, in the month of July, A. D. 1908, passed three separate ordinances which then provided and are in force as follows, viz.:

ORDINANCES REQUIRING TUBERCULIN TEST OF COWS.  
Be it ordained by the City Council of the City of Chicago:

MILK.

Section 1. No milk cream, buttermilk, or ice cream shall be sold, offered for sale, exposed for sale or kept with the intention of selling within the city of Chicago after January 1, A. D. 1909, unless such milk or cream contained in buttermilk and ice cream, be obtained from cows that have given a satisfactory negative tuberculin test within one year. The cows having been satisfactorily tested shall be marked



"tuberculin tested" and shall be numbered and a certificate shall be filed with the division of milk inspection of the department of health of the city of Chicago upon forms furnished by the commissioner of health, giving the number, a brief description of the animal, the date of taking said test, and the name of the owner. Said certificate shall be signed by the person making such test, provided, however, that from January 1, 1909, for a period of five years, to-wit: until January 1, 1914, milk or cream or buttermilk and ice cream made from milk or cream obtained from the cows not tuberculin tested or not free from tuberculosis, may be sold within the city of Chicago if the milk or cream from said cows is pasteurized according to the rules and regulations of the department of health of the city of Chicago.

Sec. 2. Any milk, cream, buttermilk or ice cream offered for sale, exposed for sale or kept with the intention of selling within the city of Chicago shall be found within the city in violation of section 1, shall be forthwith seized, condemned and destroyed by the milk and food inspectors or other duly authorized agents, or employes of the department of health of the city of Chicago.

Sec. 3. This ordinance shall be in full force and effect from and after January 1, 1909.

#### BUTTER.

Be it ordained by the City Council of the City of Chicago:

Sec. 1. No butter shall be sold or offered for sale or kept with the intention of selling in the city of Chicago after January 1, 1909, unless such butter be made from milk or cream obtained from cows that have given a satisfactory negative tuberculin test within one year; provided, however, that from January 1, 1909, for a period of five years, to-wit: January 1, 1914, butter made of milk obtained from cows not tuberculin tested or not free from tuberculosis may be sold in the city of Chicago if the milk or cream which such butter was made, was pasteurized according to the rules and regulations of the department of health of the city of Chicago.

Sec. 2. It shall be unlawful to sell any butter in the city of Chicago, unless there be stamped on the package in plainly legible letters of not less than one-eighth inch type; "Made of milk (or cream) from cows free from tuberculosis as shown in the 'tuberculin test' or made from milk (or cream) pasteurized according to the rules and regulations of the department of health of the city of Chicago."

Sec. 3. Any butter offered for sale, exposed for sale or kept with the intention of selling in the city of Chicago, which shall be found within the city in violation of this ordinance, shall be forthwith seized, condemned and destroyed, by the milk and food inspectors or other duly authorized agents of the department of health of the city of Chicago.

Sec. 4. This ordinance shall be in full force and effect from and after January 1, 1909.

#### CHEESE.

Be it ordained by the City Council of the City of Chicago:

Sec. 1. No domestic cheese shall be sold or offered for sale or kept with the intention of selling in the city of Chicago after January 1, 1909, unless such cheese be made from milk or cream obtained from cows that have given a satisfactory negative tuberculin test within one year; provided, however, that from January 1, 1909, for a period of five years, to-wit: until January 1, 1914, domestic cheese made of milk obtained from cows not tuberculin tested or not free from tuberculosis, may be sold in the city of Chicago if the milk or cream from which such cheese was made, was pasteurized, according to the rules and regulations of the department of health of the city of Chicago.

Sec. 2. It shall be unlawful to sell any such cheese in the city of Chicago unless there be stamped on the package in plainly legible letters of not less than one-eighth inch type, "Made of milk (or cream) from cows free from tuberculosis as shown by tuberculin test," or "Made from milk (or cream) pasteurized according to the rules and regulations of the department of health of the city of Chicago."

Sec. 3. Any cheese offered for sale, exposed for sale, or kept with the intention of selling in the city of Chicago, which shall be found within the city in violation of this ordinance, shall be forthwith seized, condemned and destroyed by the milk and food inspectors or other duly authorized agents or employes of the department of health of the city of Chicago.

Sec. 4. This ordinance shall be in full force and effect from and after January 1, 1909, which said ordinances it is claimed are without foundation of law, unreasonable and void; and

Whereas, Under and by virtue of said ordinances, the board of health of the city of Chicago are assuming to inspect dairy herds in the state of Illinois and to condemn milk, butter and cheese that are produced from cows that have not been tested by the tuberculin test and that is manufactured and produced from milk which has not been pasteurized, and the producers of milk, butter and cheese tributary to the city of Chicago are being greatly annoyed, hindered and harassed by agents of the board of health of the city of Chicago, and the sale of their product is being injured, damaged and destroyed; and

Whereas, By reason of the said ordinances and the unlawful and unreasonable rules and restrictions of the board of health of the city of Chicago, the price of milk in said city has increased and is being raised and threatened to be raised from six and seven cents a quart to nine cents a quart, to the great injury and suffering to the people of that city; and

Whereas, It is a disputed question whether the tuberculin test is an accurate and efficient test to determine whether the disease of tuberculosis exists in the animal, and it is a disputed question whether tuberculosis can be conveyed from the animal to the human being from milk and its products; and

Whereas, It is disputed and denied that the disease of tuberculosis exists to any appreciable extent among the dairy herds and breeding animals of the state, and such dispute leads to the damage and loss of values of such dairy herds and breeding animals by reason of such dispute and contention, and loss and injury to the owner of such dairy herds and sale of their products, by reason of the said city ordinances and the rules and regulations and inspections of the department of the board of health of the city of Chicago; and

Whereas, It is plain that the pasteurizing of milk destroys its value for the manufacturer of butter and cheese and renders it impossible to manufacture any reasonable quality of butter or cheese from such milk and tends rather to increase the bacteria germs naturally in milk, where it is not used immediately, and otherwise injures and destroys the strength and food qualities in the milk; and

Whereas, A bill is now pending in this legislature providing for the enforcement of the law for the testing of dairy cows and breeding cattle by the tuberculin test, and the payment by the state of the sum of 75 per cent of the appraised value of the cattle damaged, which will lead to an enormous expenditure of money by the state, which may possibly be unnecessary, useless and great damage and injury to the dairy interests of the state:

*Therefore, be it resolved by the House, the Senate concurring:* That a joint committee of nine be appointed, six by the speaker of the House and three by the president of the Senate, to investigate into the reliability and the efficiency and the necessity of adopting the tuberculin test in the state of Illinois, and that said committee investigate and determine the question as to whether or not the disease germ passes from an animal afflicted with tuberculosis, through the milk, to a human being, and the effect of pasteurizing milk as such food product is pasteurized, bottled up, shipped and used in the city of Chicago, taken from the dairy districts at a distance from said city.

That they take evidence and have the power to subpoena witnesses and send for documents and papers and acquaint themselves with the laws and results accomplished in other states, and that said committee collect the evidence and opinions of expert bacteriologists upon said question, and if said tuberculin test should be found to be an actual and efficient test of the disease or tuberculosis among domestic animals, then that said committee estimate the amount that should be paid for cattle condemned, both under an optional law, mandatory law, and make their report to the next session of the General Assembly; and that said committee be provided with an appropriation of an adequate amount to pay clerk and stenographer's fees and hire and actual traveling expenses of the committee while engaged upon the work as herein set out.

And recommended that the original House Joint Resolution No. 16 lie upon the table and that the substitute do pass.

The report of the committee was concurred in and the original House Resolution No. 16 was ordered to lie on the table and the substitute House Joint Resolution No. 20 was adopted.

Ordered that the clerk inform the Senate thereof and ask their concurrence therein.



**OPINION ON "WHAT IS WHISKEY."**

(Continued from page 15.)

and price. The addition of patent still spirit, even when it contains a very small amount of by-products, may be viewed rather as a dilution than an adulteration, and, as in the case of the addition of water, is a legal act within the limits of strength regulating the sale of spirit. (P. VII of the Report.)

The last of the questions put to me is whether the name whisky has different scope according to the fact whether the article called whisky is used as a drug or as a beverage; and I have answered that it has not. No foundation for giving different significance to the name in the two cases exists in actual public usage. What is whisky for drinking is equally whisky as a medicine, so far as the popular acceptance of the name can determine. It has been suggested, however, that the Pure Food Act makes the drug called whisky different from what public usage considers the beverage whisky, because section 6 of that act declares that "the term 'drug' as used in this act shall include all medicines and preparations recognized in the United States Pharmacopœia or National Formulary for internal or external use;" and section 7 of that act provides that a drug shall be deemed adulterated "if when a drug is sold under or by a name recognized in the United States Pharmacopœia or National Formulary it differs from the standard of strength, quality, or purity as determined by the test laid down in the United States Pharmacopœia or National Formulary official at the time of investigation: *Provided*, That no drug defined in the United States Pharmacopœia or National Formulary shall be deemed to be adulterated under this provision if the standard of strength, quality, or purity be plainly stated upon the bottle, box or other container thereof although the standard may differ from that determined by the test laid down in the United States Pharmacopœia or National Formulary." The argument seems to be that under these provisions of the Pure Food Act whatever is described in the Pharmacopœia as whisky must be entitled to the same whisky, and that the description of whisky in the Pharmacopœia differs from that which I have found to result from public usage. I am unable to see, however, that the Pharmacopœia definition of whisky is other than I have given. The Pharmacopœia's definition has already been quoted; and I have stated my view that such definition, beside insisting upon the grain origin of whisky, demands both because of such origin and also because of its requirement that whisky have "a distinctive odor and taste," that a substantial amount of the by-products of the distillation of grain, giving distinctive favor and other properties, be present in whisky. The particular requirements which the Pharmacopœia makes, after giving its definition—such as that "whisky should be at least four years old," and that its specific gravity, acidity and other particular qualities satisfy special tests—do not seem to be parts of the definition, but are rather points of distinction between superior and inferior whisky. They do not obliterate the fundamental requisites of whisky, as given in the definition itself. Further, it is to be noted that if an article conforms to the definition of whisky given in the Pharmacopœia but does not satisfy the tests of excellence prescribed by the Pharmacopœia, that article may still be sold as whisky without being deemed adulterated under section 7 of the Pure Food Act if "the standard of strength, quality, or purity be plainly stated upon the bottle, box, or other container thereof." The proviso of section 7, as quoted above, expressly so declares.

Very respectfully,

SOLICITOR GENERAL.

**LLOYD W. BOWERS.**SOLICITOR GENERAL OF THE DEPARTMENT OF JUSTICE,  
WASHINGTON, D. C.

Before his appointment by President Taft as Solicitor-General of the Department of Justice, Lloyd W. Bowers had earned an enviable reputation as a lawyer in fields requiring legal talent of the very highest order. A genius for hard work did much to accomplish this and a natural love of the law and quick grasp of its intricacies helped to give him his present lofty position in his profession. As Solicitor-General of the United States, Mr. Bowers has won one of the highest honors that can be given a lawyer in this country.

Since 1882, Mr. Bowers, whose conspicuous career at the bar, forms the subject of this sketch, has been building for himself, by dint of unfailing zeal and tenacity of purpose,

a standing in his profession of which he has just cause to be proud.

He is the son of Samuel D. and Martha W. Dowd Bowers and was born at Springfield, Massachusetts, on March 9, 1859. Although his father was of English and his mother of Irish descent, the ancestors of both came to New England in Colonial days. The Bowers settled in Massachusetts early in the 17th century and one, John Bowers, about 1640, was a student at Harvard College. The Bowers were leaders in the Commonwealth and numbered many clergymen and teachers in its ranks.

Mr. Lloyd W. Bowers was graduated from Yale in 1879. Early in life he yearned to become a disciple of Blackstone, so after his collegiate career was completed he entered Columbia Law School from which he was graduated in 1882. In June of the same year, Mr. Bowers was admitted to the bar.

After graduation from the law school, Mr. Bowers obtained a desk in the offices of Chamberlain, Carter and Hornblower, an eminent law firm of New York city. There his natural talent for law and close application to his duties soon won him success in a legal environment composed of the master minds of the legal profession from every quarter of the United States. Amid such surroundings he soon acquired a recognized standing at the bar and was known as one of the rising young lawyers of the metropolis. In a short time he had won a junior partnership with the firm. In 1884, however, he resolved to go west and embraced an opportunity to do so as the partner of Ex-Chief Justice Wilson of Minnesota.

In the west as in the east Mr. Bowers' legal capabilities were soon evinced and he remained in successful general practice in Minnesota until he removed to Chicago in 1893. There, in June, 1893, he became general counsel of the Chicago and Northwestern Railway. This important office he filled with fidelity and distinction, a notable feat when it is remembered that among the many ramifications of a great railway system there is no department that requires such a high standard of efficiency in its personnel as does that in which its legal affairs are handled. Hardly an advance move is made without the advice of the trained lawyers who guide these empire-making corporations through the rocks and shoals of the law. In these tumultuous times, to a greater extent than ever before it is necessary that the legal department of a railway have that sound judgment, that comes of natural mental equipment, coupled with wide experience.

A notable phase of Mr. Bowers' sixteen years' connection with the Chicago and Northwestern Railway as general counsel is found in the fact that, during that time, no charges of any kind were brought against the road, not even those of technical misconduct.

Mr. Bowers is deeply learned in the law, a close student and ever delving in the mysteries of legal lore. His appointment to his eminent post in the Department of Justice means that the people's affairs will be handled with the same thorough legal knowledge and forethought that he brought to his private practice. The vast judicial machinery of this great country is handled at the Department of Justice and it is especially fitting that the men in charge there have thorough preparation for the work in hand.

Mr. Bowers was appointed by President Taft to this office very soon after his inauguration and the appointment was confirmed by the United States Senate on the 5th day of April, 1909.

Mr. Bowers is a member of the Chicago and University Clubs and also belongs to the Chicago Athletic Club. Mr. Bowers was president of the Chicago Law Club and also president of the Yale Alumni Association of Chicago.

On September 7, 1887, Mr. Bowers was married to Miss Louise B. Wilson of Winona, Minnesota, who died on December 17, 1897. In August, 1906, he married Miss Charlotte Josephine Lewis.

**ARSTRACT FROM ARGUMENT OF W. M. HOUGH.**

The arguments before the Solicitor General of the United States upon the question of "What is Whisky" occupied all of Friday and Saturday, May 7th and 8th.

Mr. W. M. Hough opened the argument on behalf of the rectified whisky interests and began his argument by saying:

"Mr. Solicitor General, what is whisky? It may be better stated, for the purposes of this hearing, in terms of inclusion rather than in terms of exclusion. According to the weight of the evidence as we regard it, all distilled spirits from grain as commercially produced of the proper



potable alcoholic strength, are whisky. The expression, 'as commercially produced,' excludes a distilled spirit which contains all of the so-called secondary or congeneric products created during fermentation, and which are volatile at the temperatures at which the distillation is usually carried on, and it also excludes those distilled spirits which contain absolutely none of these secondary or congeneric products, and which are therefore ethyl alcohol, for the reason that neither of those two distilled spirits are commercially produced; and therefore it is unnecessary to consider at this time whether either of those two ought to, could, would or should, be regarded as whisky. It seems to me that for all practical purposes

without reference to its chemical constituents, if it is produced from the material from which whisky is commonly supposed to be produced, and has the distinctive flavor known to consumers as that of whisky. There is no one definite or abstract or distinctive flavor of whisky. It is as numerous, or they are as numerous, as the processes which have been used from the very beginning to produce an article known to the consumers of a particular time and a particular country or a particular locality as whisky."

Mr. Hough then went on to say that there was one flavor, that of Ethyl alcohol, which was common to all whiskies, and that the other flavors which were found in whisky were



HON. LLOYD W. BOWERS.

we may exclude from consideration, at this time, all testimony of a purely chemical nature, as well as all testimony of a literary character, which relates to imitations, for that reason that all of that testimony, or testimony of that character, has relation primarily not to imitations of whisky as such, but to imitations of particular brands of whiskies or particular types of whisky.

"I say that chemistry must be excluded because it has been clearly established that there is no relation between the distinctive flavor or flavors of an article which has become known to the public in this country and abroad as whisky, and the chemical analysis of that particular distilled spirit. Chemistry does not deal with flavors. Therefore that distilled spirit must be regarded as whisky

flavors which were added by one process or another; and that the two combined made the various flavors which in different localities were recognized as the whisky flavor. Continuing he said:

"The flavor which the majority of the consumers identify, in other words, when they think of the word whisky, depends upon the process pursued or carried on in various countries."

and following this thought, he said:

"We are forced to the conclusion that the article known to the consuming public, or rather to the majority of the consuming public, as whisky is a distilled spirit from grain from which a part more or less of these congeners have been removed by various processes and it possesses a color



and flavor not due primarily to any inherent ingredients, but to substances added by one process or another."

Continuing, Mr. Hough said:

"Morewood is regarded as an authority both by the courts of England and by the courts of this country, that have had occasion to refer to any published work on the subject. It is there stated, and it has also been similarly stated in all the works that have ever been printed in the English language on distillation, that the effort in the first place must be made to exclude as much as possible certain substances produced during the fermentation of the mash, and which were volatile at the temperatures at which these distillations were carried on; and when they had not been sufficiently excluded they were to add substances which would drown that flavor."

"According to Morewood nothing was ever produced in the British Isles and sold as whisky except that product which first passed through the hands of the rectifier, who purified whenever necessary the article in the form in which he bought it from the distiller and added his coloring and his flavoring substances."

Mr. Hough went on to show that by reason of the enactment of taxing laws the term whisky was extended to the unpurified product of distillation, and also to the product of the distiller which he obtained by separating the heads and tails from the middle run.

Mr. Hough then referred to debates in the House of Representatives of Congress as reported in the Congressional Globe of 1862, showing that at that time the common understanding was that the article known as whisky was an article which always passed through the hands of the rectifier who subjected it to the processes of purification as far as possible of elimination of all secondary products and the addition of such color and flavor as he had been giving to the article which he had been selling as whisky.

Mr. Hough then showed that the first regulations issued by the Internal Revenue Bureau in 1869 provided that "the term 'raw spirits' must be understood as including all spirits in the state in which they are produced by the distiller," thus showing that the distiller was not at that time understood as producing the finished article, but that whisky, the finished product, was only produced and should only be produced by the rectifier.

In the law of 1866 and 1868 there was no provision, Mr. Hough said, that the particular name of the distilled spirit, as known to the trade, must be placed upon the distiller's package. That was placed there by a regulation of the Internal Revenue Bureau made entirely without the authority of law. Later, in 1879, while this regulation was in force, Congress amended Section 3287 relating to the marking and branding of distiller's packages, and provided specifically that a distiller's package should be marked with the names known to the trade, that is to say, high wines, alcohol or spirits, as the case may be. The phrase, "as the case may be," being an adverbial phrase modified the verb "marked" or "branded" and not the noun "spirits."

Mr. Hough then continued:

"Notwithstanding the act of Congress which was passed with knowledge of the fact that the Internal Revenue regulations were permitting certain names to go upon the distillers package, the Commissioner of Internal Revenue never changed the regulations, and, therefore, in my opinion violated an act of Congress, and that violation has continued to this day."

So that, as he pointed out, while the law prescribed three names to be placed upon the distillers, namely: high wines, alcohol or spirits, as the character of the product might require, the Internal Revenue regulations has without authority added to the law and allowed the placing upon these distillers' packages of other names than those prescribed by law.

"Before the war, when there was no tax upon distillation and no tax upon any of the processes of producing the finished article known as whisky, the distillers as a rule used pot stills. That was the principal still used in the olden days, and they unquestionably carried on the process as it is carried on in England today and has been carried on in Scotland and Ireland in all times in the past of cutting out the heads and tails, which contain the largest amount of impurities, which were usually regarded as undesirable without any definite knowledge on the part of distillers, who operated largely by rule of thumb, as to what they were. They were something to be eliminated. The vast majority of whisky according to the evidence was produced by a set of men known as rectifiers or compounders. And I say that the history of the word indicates that whisky implies a compound just

as the word Champagne implies a compound. It implies a distilled spirit that has been treated in a certain way. These rectifiers went among the small distillers and bought their product in various states of purity or impurity. They took it to their rectifying plants; and the period to which I refer antedated the continuous process as it exists today. They there treated it by leaching through charcoal, if that was all that was required to eliminate this offensive smell and taste, and if more was required they redistilled it, and in some cases both rectified and redistilled, thus producing a high proof spirit as free as it was possible for science to make it at that time, which they reduced to proof by the addition of water, and added color and flavor."

After discussing the various advances in the Internal Revenue laws and the fact that rectifiers were at one time permitted to rectify the product before tax payment and then return the rectified product to the distillery for gauging and tax payment, Mr. Hough said:

"That opened the door to more fraud and the Commissioner of Internal Revenue said: 'the best way to do this thing is to permit the distillers who want to produce that kind of whisky to unite those two processes on the distillery premises, that is the leaching, charcoal process, and the redistilling apparatus, or column. This was first permitted by regulation, but a large number of the wealthy distillers of the country were unwilling to invest their capital in machinery of this character, when the right so to do was based only upon a regulation of the Commissioner of Internal Revenue; and so the regulation permitting that process to be carried on by a continuous system was not taken advantage of to the extent which it was desired by the Revenue Department it should be. They insisted that they should have the sanction of an act of Congress, and that sanction was obtained in 1872 and then millions of dollars commenced to be invested in that kind of machinery, solely upon the understanding that the article so produced by that process could be used by the rectifier or the distiller in making this whisky."

Mr. Hough then declared that not one dollar would have been invested if at that time it had been suggested that the article produced was not whisky.

Replying to a question of the Solicitor General as to how far the early rectification went, Mr. Hough said:

"We have no accurate data, as far as chemical analyses are concerned, to determine to what extent chemically the secondary products had been eliminated; but it is in evidence that the thing was made neutral. In other words, so much had been eliminated that in comparison with the thing before this process of rectification, it was regarded as neutral; and I take it that there was practically no difference between that article as then produced and the article as produced today; but I say it makes no difference unless we are prepared to say that we are to reach back into the past and stay the march of progress by saying: 'Thus far shalt thou go and no farther.'"

Mr. Hough then called attention to a statement made by Mr. Shirley, a member of Congress from Kentucky, in a debate upon an amendment to the Food and Drugs Act, which amendment was for the purpose of excluding this article from using the name of whisky. Among other things Mr. Shirley said: "There has been a lot of talk about neutral spirits, about cologne spirits, as if that was some bugaboo to scare people. Those who know anything about the manufacture of whisky know that the purest ingredient in it is the neutral or cologne spirits. It contains the medicinal property in whisky. The more of ethyl alcohol, which is the neutral spirit, you have in whisky, and the less of fusel oil, the purer whisky you have. Now in the old days before the Internal Revenue tax came into existence, whisky was made by distilling neutral spirits from the grain and afterwards adding coloring and flavoring matter. Kentucky whisky was shipped to Cincinnati, then the great market, sent there as white whisky, then colored and flavored to suit the purchaser. But subsequently it was discovered that by putting into a charred barrel whisky would in course of time take a color and flavor. \* \* \* \* The gentleman would have Congress legislate the exclusive use of the word 'whisky' to a process that has not been in existence much more than fifty years, and would put out of existence and deny the use of the word 'whisky' to the makers of whisky by a process that had existed over one hundred and fifty years. It is to that sort of legislation under the name 'Pure Food' that I object." This amendment was defeated in the House by a vote of more than two to one.

Mr. Hough then referred to the report of the English



Royal Commission, which, after a long hearing and exhaustive examination, adopted the view held by himself and which he was then urging upon the Solicitor General, and is closing, said:

"We are concerned primarily with the question as to whether these things, which ? ? ? ? ? country are not entitled to the name whisky, and whether the selling of that as whisky has been in fraud of what it was the purpose of the Pure Food Law to correct. I say in reply to the latter 'No, there was no fraud. In reply to the former, it is whisky.'"

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#### ABSTRACT FROM ARGUMENT

##### OF MR. ALBERT LUCKING.

Mr. Alfred Lucking, of Detroit, representing the Canadian Club Whisky, followed Mr. Hough. In his argument he said that it appeared that Canadian Club whisky was designed to cater to a public demand for whisky that was aged, and at the same time was as free as possible from fusel oil. The designers of Canadian Club had interviewed the public in large numbers, and found that the majority were opposed to and considered obnoxious the fusel oil. This whisky, he said, had been accepted in every country in the universe as whisky, and had never been questioned anywhere, until suddenly in the United States, the manufacturers were confronted with the proposition that it was only an imitation for the reason that it was a refined product.

He referred to a statement made by Dr. Wiley before a congressional committee when the Pure Food Law was under consideration in which Dr. Wiley said: "Now what I want, and what I believe we all want, is that the law shall require such a distinction that the purchaser may know which kind of whisky he is getting, and then let each of the products stand upon its merits."

Mr. Lucking then said that that was the reason for the passage of the Pure Food Law, and that after it was passed, a government official had taken it upon himself to declare that one article, which he had previously referred to as whisky, was not now whisky, but only an imitation. He used this illustration:

"It would be the same precisely as if Congress had been induced to pass a law to put, we will say, gold and silver dollars upon a plane, and then the persons in authority afterwards were to say that one is a genuine dollar and the other is a counterfeit dollar."

Mr. Lucking presented forty-one points, which he claimed were established by the evidence. Among them were these:

That before the war whiskies in general were not aged, but went into immediate consumption.

That since the war the major portions of whiskies have not been aged.

That caramel has always been used as far back as whisky dates to produce the usual whisky color.

That the so-called straight whiskies were not known until after the war.

That before the process of continuous distillation, whiskies were always rectified or improved after leaving the still, and that the continuous process simply produces by one operation what had theretofore always been produced by two or more processes.

That fusel oil in whisky is regarded by the public as obnoxious and undesirable, and by a great portion of the public, as poisonous.

That up until 1905 it was universally considered desirable to rid whiskies of fusel oil, and efforts in that direction were considered commendable.

That at least ninety per cent of the whiskies consumed in the United States prior to 1906 was rectified whisky, or a rectified whisky blended.

Mr. Lucking combated the idea that it was practicable to make any standard as to the quantity of congeners necessary to be present in order that the substance might be called whisky, since even the so-called straight whiskies differed tremendously in their amounts of congeners.

He said that any chemical standard would be an absurdity, since it would lead to such confusion as to make it impossible to conduct business. He argued strongly that neutral spirits, so-called, when reduced to proof, are whisky.

\* \* \* \* \*

#### ABSTRACT FROM ARGUMENT OF

##### THE HON. JOSEPH H. CHOATE.

The Honorable Joseph H. Choate, of New York, former ambassador of the United States to Great Britain, said that the question to be determined by the Solicitor General was not what was the article whisky, as known to the manufacturers,

and to the trade, prior to the passage of the Pure Food Law, but what was the article called whisky, as known to the manufacturers and the trade. He argued, that if the rectified whisky had been known as whisky, and called whisky prior to the passage of the Pure Food Law, it was still entitled to that name.

In illustration, Mr. Choate said:

"Near Boston we had two hills, Breed's Hill, which was right adjacent to and in sight, and within rifle shot of Boston, and Bunker Hill, which was a mile behind. When, on the 17th of June, 1775, our troops were led there by Colonel Prescott, he was told to go to Bunker Hill, he went right to Breed's Hill, because it was nearer the enemy, and the most exposed position, and entrenched there. From the night of that day, that hill, which had always been Breed's Hill, was and will forever be known in history as Bunker Hill, and Breed's Hill has disappeared, or must take a name of its own in the rear."

Continuing, Mr. Choate said:

"The great bulk of the evidence establishes without dispute the three articles that I have mentioned (so-called straight whisky, blends and rectified whisky) were called whisky at and before the time of the passage of this act. Some of the worst of his (Mr. Carlisle's) straight whiskies had probably disappeared from the market, and were not called at all, but what remained of the straight whiskies were called, whiskies; the blends were called whiskies, and the neutral spirits, reduced to proof by water, were called whisky to such an extent that even Mr. Wiley himself has declared, I believe, that these composed a great majority of the whiskies in the market."

Mr. Choate also contended that no line could be drawn as to the amount of congeners in a distilled spirit, which would entitle it to be called whisky, and referred to the testimony of Professor Chandler, who stated that it was impossible to draw the line anywhere between those that contained the highest amounts, and those that contained none of the congeners. He ridiculed the position taken by Dr. Wiley that if a distilled spirit had so many one-thousandths of one per cent of the congeners it was whisky, and if it contained a one-thousandth of one per cent less than his established standard, it was not whisky, but only an imitation. Upon this point he said:

"This whole thing, Mr. Solicitor General, turns upon what seems to me the merest trifle. All these whiskies that we indulge in are, as I understand it, ninety-nine and one-half per cent alcohol and water, and the richest straight whisky that Mr. Carlisle would recommend would contain but one-half of one per cent of the congeners; and there we are, fishing for a standard between the limits of one-half of one per cent of a substance, and nothing at all."

Mr. Choate said that if any standard were established, it would have to be done arbitrarily, without any reason, without any judgment, and that is what Dr. Wiley had done. He said that Dr. Wiley had moved the standard himself several times, and that "he, the greatest of United States chemists, comes here and says that he has changed his mind constantly; well, he will be changing his mind again, and if you adopt his standard today, why, next year, or the next, or the next, he will have to change it again. So I say that no evidence has been furnished you, by which you can establish a standard, by which you can put up a fence and say, beyond this, you are not whisky, this side you are."

Mr. Choate further contended that the distinctive whisky taste was not any particular taste, but was the taste of ethyl alcohol, as modified by any one or more of many flavoring materials, which might be added to make the product suit the taste of any particular community, and that, if, in a certain community a whisky of one flavor had been used as whisky that community would reject the identical product if flavored in another way.

He referred to the report of the English Commission as sustaining the contention of himself and his associates.

\* \* \* \* \*

#### ABSTRACT FROM ARGUMENT

##### OF MR. LAWRENCE MAXWELL.

Mr. Maxwell, who made the closing argument, in behalf of the blenders and rectifiers, commenced with the statement that the fundamental error of Dr. Wiley was in assuming that whisky is a natural product. He said that was also the fundamental error of Attorney General Bonaparte in the opinion which resulted in the direction that the rectified product be branded as imitation whisky.

Mr. Maxwell said:



"Whisky is not a natural article. It is a manufactured article, which has been manufactured in a variety of ways, and the real claim of Mr. Carlisle and Mr. Taylor, with the assistance of Dr. Wiley, is that hereafter it shall be manufactured only in one particular way. Not only is it a manufactured article, but it is an article the manufacture of which from the earliest times down to the invention of the continuous still that is used in this country was done only by rectifiers. Prior to that time the article as it left the still was never in its completed state."

Mr. Maxwell pointed out that prior to the passage of the Internal Revenue Laws the distiller could complete the manufacture by processes of rectification more or less perfect; after the laws were passed, the distiller could not complete the manufacture, and further processes elsewhere were necessary. The Revenue Laws, Mr. Maxwell said, were not passed for the regulation of the manufacture of whisky for purposes of regulation alone, but only to protect the revenue.

Mr. Maxwell asked:

"What is this contention for? It is not claimed that the article which they seek to make contraband of trade has any deleterious substance added to it, or any important or material substance subtracted from it. It is not a question of health. It is not a question of public interest in any way. It is simply an attempt to monopolize trade. It has been clearly established here, and if the investigation of the Royal Commission in England has no other significance, it has this, that it was established there, that no consideration of public health is involved in this inquiry."

The only thing claimed for the so-called congeners, which Mr. Maxwell said were not pretended to be material in fact or so deemed by the public, was that they affected the taste and flavor of the article, but these, Mr. Maxwell argued, were unimportant, because each man decides for himself when he takes a drink of whisky as to the taste of flavor, and cannot, therefore, be deceived with respect thereto.

The article which it has been sought to condemn, Mr. Maxwell declared, had been recognized by the trade and by the public in this and other countries as whisky during the lives of the men and women who now or hereafter are likely to drink it.

Mr. Maxwell then read the statement of President Taft in the preliminary hearing at the White House on April 7, as follows:

"I know something about the manufacture of whisky, because I was Collector of Internal Revenue, and we collected millions and millions of dollars of revenue on whisky which was made just as here described. It was stamped whisky and went into the market as whisky. In amount it was far in excess of anything produced in Kentucky."

Following his reading of this statement, Mr. Maxwell read copious extracts from the commercial report of the Cincinnati Chamber of Commerce, showing that years ago, before the present controversy was ever thought of, continuous whisky had been manufactured and dealt in as whisky to the universal knowledge and acquiescence of the trade and public. He also read from the testimony of many witnesses, given during the hearing, to show that the trade throughout the country had sold neutral spirits, reduced to potable proof, either colored or flavored, or both, or without coloring and flavoring, as whisky, and that it was bought and consumed as such by the public.

He also read testimony showing that the continuous whisky, or so-called neutral spirits, reduced to potable proof, is similar to and the successor of the rectified and redistilled whisky made before the day of continuous stills from high wines on the premises of rectifiers. He read with telling effect the testimony of Mr. John M. Atherton, to the effect that neutral spirits was a distinctive trade name, to distinguish the article of that name from its predecessor, high wines, and that neutral spirits of drinkable strength became whisky. Mr. Atherton had qualified as a Kentucky distiller, and Mr. Maxwell commented upon his statement that he had come to the hearing to prevent what he regarded as a great injustice, although he had been a life-long Kentucky distiller.

The use of neutral spirits from bad grain or from molasses, according to the testimony, Mr. Maxwell showed to have been impossible without either a rum taste.

Mr. Maxwell said:

"This testimony, I think, ought to be accepted as establishing with reasonable certainty the facts to which they testified, taking the testimony of men who have been in the business from early times, but more than all, the

reports of the Cincinnati Chamber of Commerce; because all of these gentlemen, it might be said, had an interest in the issue, although that cannot be said of Mr. Atherton. But when we get the testimony of what was said and reported of these transactions, going back to 1877 and 1878, I think that the Solicitor General assumes no risk in accepting this proposition, that the commercial neutral spirits, practically the same as today, for nearly forty years at least have been very generally and largely sold to and bought by the public as whisky, and that, therefore, if you are going to accept the public standard of taste and flavor in determining what is whisky, you cannot debar from commerce as whisky the commercial neutral spirits of today."

Mr. Maxwell had an interesting colloquy on the proposition that those commercial products which had been recognized as whisky should be continued to be regarded as whisky, with Mr. Carlisle, who inquired whether anything that had been sold as honey should be regarded as honey. Mr. Maxwell said that Mr. Carlisle was reverting to his fundamental error that whisky is a natural product; while whisky is a manufactured product, it cannot be compared with honey, a natural product. In response to Mr. Carlisle's suggestion that the Food and Drugs Act makes no distinction between natural and manufactured products, Mr. Maxwell said:

"Well, God made the bee, and arranged their processes by which they produced the honey. Now, Dr. Wiley wants to substitute himself for God in the manufacture of whisky. The trouble about it is that he did not appear soon enough. If he had had, in 1830 or 1840, the autocratic power which now he would like to possess, of course he would have established the one and only way of making whisky."

Mr. Maxwell said that it was amply established that neutral spirits at potable proof in the British Isles and the United States had been known in the trade as whisky, and sold to and consumed by the public as whisky, and that the only claim possible for the other side was that the public had been deceived in the use of the name. Since it was conceded by everybody, including Mr. Wiley, that nothing deleterious was in rectified whisky, and nothing was taken from it unless it be a particular taste or flavor, the question came down on the claim of deception, Mr. Maxwell said, as to whether or not the public had been misled during all these years with respect to how the taste and flavor were secured.

Mr. Maxwell said:

"Well, doubtless they have been misled, but it was not with respect to continuous whisky. If anybody made the inquiry, they were misled with respect to straight whisky, and by Dr. Wiley, who was preaching up and down the land that all the fusel oil was taken out of straight whisky by the process of aging, and he held that opinion, not taking the pains to make any experiment to ascertain whether it was so, until Dr. Schidrowitz only two or three years ago, pointed out to him that by a simple process of chemical analysis, the fact was demonstrated to be otherwise."

Mr. Maxwell then demonstrated that the flavor given whisky by whatever process used was for the purpose of giving a flavor which the public was accustomed to in a particular kind of whisky. He pointed out that the flavor of straight whisky was due to the barrel, as shown by the Crampton-Tolman report, which was only one method of adding a flavor to whisky. He declared that the satisfaction of the public with rectified whisky and their continued use of it was proof that there had been no deception. Reading from reports of hearings before congressional committees the testimony of Dr. Wiley in years gone by, Mr. Maxwell showed that Dr. Wiley admitted that no deception had been practiced in the sale of blended whiskies of reputable houses.

Referring to the report of the British Royal Commission on Whisky, and to the testimony taken by them, Mr. Maxwell showed that the question had been settled in England in the same way that the Blenders and Rectifiers now asked that it be settled in this country. Mr. Maxwell closed his argument by showing the history of the controversy in the United States and the necessity in order that justice be done to a great industry, that the present branding regulations be revised in order that the true names appear upon spirit packages.

The twelfth annual convention of the National Retail Grocers' Association was held in Portland, Ore., June 2 to 7. About two hundred delegates were present.



**REPORT OF ILLINOIS FOOD INSPECTOR, F. J. HOEY ON THE KILLING OF HORSES FOR HUMAN FOOD.**

Chicago, May 12, 1909.

Hon. A. H. Jones,  
State Food Commissioner,  
Chicago, Illinois.

Dear Sir: I submit to you a report of several investigations I have made in Chicago, and some of the towns in Cook county, on complaints of citizens that horse meat was being sold for beef meat for human food.

**COMPLAINT I INVESTIGATED.**

On December 23, 1908, I investigated a complaint from a private citizen of the town of Stickney of a horse slaughtering house run by Chas. Beigel in that town. This place is located on Archer avenue about one mile west of the Chicago limits. I went to the house of the citizen making the complaint and had a conference with him. He said that on December 22, 1908, he saw the employes of Chas. Beigel loading a car that was on a side track with horse meat packed in barrels. He gave me the number of the car and I looked it up and found that it was shipped to New York and consigned to some horse meat dealer in Copenhagen, Denmark.

**SECOND INVESTIGATION I MADE.**

On January 7, 1909, I made another investigation in company with a city meat inspector and two Chicago policemen. We went to Chas. Beigel's horse killing plant and made a complete inspection of it. We saw a horse that was skinned hanging upon a cross-beam ready for market, also a small animal that was skinned and hanging up ready for market. Mr. Beigel asked me to name the small animal. I said it looked like a mule or a jackass. He said it was a jackass and showed me the head and feet of it, stating that he killed it for his own use. We also located in a side room in the plant, two large vats filled with horse meat and we were informed that that was where the meat was cured with salt before being packed in barrels. We also found three barrels of casings in there made from horse intestines, cleaned and cured with salt.

I asked Mr. Beigel how many horses he killed in a week and if he sold any of the horse meat or casings in Chicago. He said he killed about 25 horses a week and did not sell any of the horse meat or casings in Chicago. He said he shipped the cured meat and casings to Copenhagen, Denmark, and he had contracts for the fresh meat with wild animal shows, one on the northwest side of Chicago, and one in Baraboo, Wis., and the offal and skins he sold to the Darling Rendering Company, Union Stock Yards, Chicago. I told Mr. Beigel he would have to improve the sanitary conditions of his place, and he said he would do so, and was going to build a new building this summer. He showed me a petition asking to be allowed to kill horses in the town of Stickney which was signed by about 100 citizens.

The sanitary conditions of this horse-killing plant were very bad. There were two one-story frame buildings, built on the level ground, with no sewage connections. One of the buildings was partly tumbled down and blood ran through cracks in the floor and soaked in the ground under the building. In the other building there is a drain in the middle of the floor and the blood runs to a cistern on the outside of

the building. When the cistern is full, they empty it and spread it over the field and plow it in the ground and use it as a fertilizer. The odor that comes from this cistern is very bad. There is a well on the east side of the building and if you were to drink water from this well it would poison you, as the blood that soaks into the ground from those buildings will also soak into the well.

**ANOTHER INVESTIGATION I MADE.**

On May 12, 1909, I made another trip to see this private citizen who made the complaint who was



THE HORSE KILLING PLANT.

watching for another shipment of this horse meat for me. He said they had not loaded any cars with horse meat out there in four months. I then went to the horse-killing plant to see what they were doing with the horse meat and to make another inspection of the plant. The proprietor was not at home when I got there (he lives about 25 feet from the plant), so I told Mrs. Beigel I wanted to look around the place, and she sent one of the employes with me. I saw that the same sanitary conditions existed as before. I told the man they would have to spread slack lime around the place to keep the smell down. He said they would do so. The horse meat I saw there before was all gone and I asked the man what they had done with it. He said they shipped it. I asked him where and he said he did not know. It was my opinion that the horse meat I saw before had not been shipped outside the state, but was sold in Chicago to cheap restaurants and cheap free lunch saloons and the cured horse casings sold to sausage manufacturers. I saw two dog skins and one wolf skin hanging across a beam in the plant to dry. I suppose they kill all kinds of animals in there. From a covered wagon standing in the yard came a very bad odor, and I asked the man what was in the wagon. He said it was an old dead horse that had died on a farm and he hauled it there and skinned it. I looked in the wagon and saw that it was a decomposed old horse and the stench coming from it was sickening. The man said he was going to haul it to the Darling Rendering Company, Union Stock Yards, that night, as the Darling company bought all the skins and offal



from them. There was a Chicago Board of Health license tag on the wagon, giving them the right to haul all their offal into the city of Chicago. The Chicago Board of Health had a meat inspector and two Chicago policemen watching this place for three weeks at night to see if they could catch them hauling meat to the city and selling it for human food, but they did not haul any in while the officers were watching them; but it came in just the same when they were not watching. I spent several nights out there with the city meat inspector and made several trips on Sundays watching that place.

The proprietor of this horse-killing plant is a German and all the farmers around there are Germans, all friends of the proprietor, and when they know his place is being watched they tip him off, except the one citizen who complained to me about it. He was the only one in the town of Stickney that I could get any information from about this place; they were all afraid of this horse killer; they say he is a bad man.

#### INVESTIGATION OF COMPLAINT OF A HORSE DEALER.

I investigated a complaint from a man who at one time made a business of buying up old horses and driving them out to this horse killer at night and sell-



LEADING HORSES TO SLAUGHTER.

ing them to him at a good profit. He told me he rode into Chicago just before daylight one morning on one of the horse killer's wagons with the driver. He said the wagon was loaded with horse meat packed in barrels, and when they got to the corner of Archer and Kedzie avenues, the driver made him get off—he did not want him to see where he was delivering the horse meat. He said he walked into the city on Archer avenue and the driver turned north on Kedzie avenue, going to the west side of the city. That same afternoon he saw the wagon on the west side in front of a free lunch saloon and the barrels were empty. He said he knew where there was a free lunch saloon on Western avenue serving horse meat to their customers who did not know what they were eating. I followed this horse killer's wagon in Chicago several times in the daytime to see if I could catch the driver selling horse meat for beef meat for human food, but I always found the wagon empty. I suppose the driver was taking orders in daytime to deliver at night to cheap restaurants and cheap lunch saloons.

#### STATE FOOD COMMISSION HAS NO LAW ON HORSE MEAT.

The state has no law making it the duty of the food commissioner to stop the killing of horses for human food, but horse meat cannot be sold for beef meat in this state. The people who buy meat from those horse killers may know what they are getting but the consumers do not know what they are eating. The

state food inspectors would have to catch those meat dealers who are selling horse meat for beef meat in Chicago in order to get a case on them and that would be almost impossible.

#### CHICAGO HAS A HORSE MEAT LAW.

The city of Chicago has a health ordinance providing a penalty of \$200 for selling horse meat or giving it away, the enforcement of which is in the hands of the City Health Department; but with all the City Health Department force and all the police force of Chicago they cannot catch this horse meat dealer selling or giving away horse meat for human food in the city of Chicago.

#### SUGGESTIONS.

The State Board of Health should stop the killing of horses for human food, for the class of horses they kill are worn out, old horses, infected with all kinds of horse diseases. They should close up this horse-killing plant on account of the sanitary conditions of the place.

There ought to be a law in the state of Illinois that animals killed for human food should be inspected before and after killing by a state inspector and the butcher should pay a license to the state for same, except where they kill for their own use. That would stop the killing of old, diseased horses and would also stop the country butchers from buying up diseased cattle from farmers and killing the cattle on the farms and selling the diseased beef in the small country towns for human food.

Respectfully submitted,

F. J. HOEY,

State Food Inspector.

#### General Ordinances of Chicago Regarding Horse Meat.

##### ARTICLE XIV.

##### HORSE FLESH.

1110. Horse defined.] For the purposes of this article, in every case where the word horse is herein used, the word shall be construed and taken as meaning and including any horse, mule, ass, donkey, burro, or any animal of any of the species thereof either male or female.

1111. Slaughtered horses for food prohibited.] No person or corporation shall, within the limits of the city, engage in the business or occupation of killing or slaughtering horses for human food, or maintain or keep any place for that purpose, and no person or corporation shall, within the city, kill any horse for the purpose of selling or offering for sale any part or portion thereof for human food.

1112. Selling horse flesh prohibited.] No person or corporation shall, within the city, sell, offer for sale, or give away any flesh of any horse for human food.

1113. Possession of horse flesh for food.] No person or corporation shall, within the city, have in his or its possession any horse flesh for the purpose of selling, offering for sale, or giving the same away for human food.

1114. Sausage made of horse flesh.] No person or corporation shall, within the city, use any horse flesh in the manufacture of sausage, or in the manufacture of any other article designed to be sold or used for human food.

1115. Food composed partly of horse flesh.] No person or corporation shall, within the city, sell, offer for sale, give away, or have in his or its possession with the design to sell, any product or article designed to be used for human food, which is wholly or in part made of or derived from horse flesh.

1116. Persons aiding or assisting.] No person or corporation shall, within the city, aid, abet, or assist in procuring any person to buy, or to use for human food, any horse flesh, or any article of food containing the same, or any article in whole or in part derived therefrom, such person so buying or using being in ignorance of the character of the article so bought or used.

1117. Penalty.] Every person or corporation who shall violate any provision contained in any of the sections of this article shall be fined not more than two hundred dollars for each offense.



**CHARGES LAX MEAT INSPECTION.****Inspector Harms' Charges.**

After eighteen months' service as a United States meat inspector in East St. Louis packing houses, J. F. Harms has resigned and has written a letter to Secretary of Agriculture James Wilson asserting that he resigned because he could not tolerate the conditions he saw, and that inspectors in charge of the bureau of animal industry are too lenient with the packers. He says no animus prompted his letter.

After asserting that "U. S. inspected and passed," as it appears on products of all the packing-houses, is meaningless because of the inadequacy of the inspection, Harms says in part in the letter:

"The inspection at the National stock yards, Illinois, is costing the people approximately \$100,000 a year, and it is not actually worth \$1 to them. For when the word is passed from the inspector in charge on to the inspectors actually doing the work on the floors that they are getting too many condemned animals and to change the grading, what does that mean? It means that the whole thing is rotten and a farce. Mr. Secretary, the packers are getting to-day from 70 to 80 per cent of what ought to be condemned and destroyed.

"If you please, Mr. Secretary, I have seen from 1,200 to 1,500 pounds of lard spilled on the floor, which ran down into an open sewer, the sewer outlet being quickly blocked and said lard taken up from the floor and out of the sewer, both of which were unclean and unsanitary from walking over and from the sputum and filth which naturally finds its way into any sewer. And your doctors, Clancey and Meadors, passed same to the packers over the protest of the inspector on that floor, and it went to the public, marked "U. S. inspected and passed."

**CITES INSTANCES OF LAX INSPECTION.**

Harms cites several specific instances of lax inspection methods, declaring that meat released to the packers by subinspectors has been later released to the packers by higher officials in the service.

As one instance he says that on April 1, 1909, Drs. Graham and Stingley retained and condemned eleven beef carcasses for emaciation. On April 2 Drs. Clancey and Meadors released six of said carcasses to the packers. The remaining five were tanked and destroyed.

"On the morning of April 2," he says "I was in a cooler and a packing company superintendent came in. When his attention was called to the eleven carcasses he said: 'Yes, they are a bad lot, and had I been on the floor last evening I would not have let them come down, but would have sent them to the tank.'"

**The Government's Rebuttal.**

Dr. Clancey's statement:

"Many of the other charges, I am sure, cannot be true. The conditions cited by Harms would not be tolerated for an instant. He has not complained to me about my decisions nor to my assistant, Dr. William H. Meadors. We are ready to be investigated any time."

Dr. Melvin's statement:

A statement made public by Dr. Melvin, in reply to the charges, shows that during the last calendar year there were "inspected and passed" 519,649 cattle, 90,384 calves, 450,235 sheep, 4,054 goats, and 1,577,453 swine. The number of carcasses "tanked" or destroyed on post mortem inspection was 8,354. The establishments under federal inspection turned out 231,400,310

pounds of meat products. On re-inspection there was destroyed 252,872 pounds.

The foreign meat trade for the present fiscal year by no means was as valuable as it was in 1906. The decline was at first due to the exposure of unsanitary conditions of manufacture. But the heavy fall in the export of canned products was largely compensated in 1907 by the increase in the export of fresh beef. The canned products exported in 1908 showed a distinct recovery. The canned beef trade for the ten months beginning July 1, 1907, was valued at \$1,345,891; for the ten months beginning July 1, 1908, \$2,201,318, and for the ten months which ended on May 1, \$1,461,177. For the same period of 1907 the fresh beef trade was worth \$21,200,550; for 1908, \$18,125,305, and for the ten months of the present fiscal year \$11,022,254.

**EXPORTS OF BACON DECREASE.**

Salted, pickled, or cured beef was sold abroad in 1907 to the amount of \$3,277,744; 1908, \$2,868,504, and 1909, \$2,938,394. The value of the bacon exported dropped from \$23,109,122 in the ten months of 1907 to \$22,255,877 for the same period of the present year. Hams showed a slight increase, being \$19,055,042 in 1907 as against \$19,325,420. Pork dropped from \$48,811,453 to \$43,802,123.

No new legislation is proposed to strengthen the inspection law beyond the recommendation the department of agriculture will submit whereby the grading of meat will be effected. At the present time inferior cuts are labeled "inspected and passed" the same as the superior cuts. The department would like the authority to announce on the label whether the meat is excellent or merely good.

It is reported from Washington that the agricultural department will take official recognition of the complaint. Two experts, one employed in the bureau of animal industry and another who has had service as an inspector in the field, have been ordered to proceed at once to East St. Louis and make an exhaustive inquiry. If the charges of filthy conditions in the National stockyards at that point are substantiated there will be an overhauling of the inspection service which will satisfy the most exacting critic.

Secretary Wilson is on his way to Iowa to attend his son's wedding, but Dr. Melvin, chief of the bureau of animal industry, who spoke for the department, announced that no pains would be spared to get at the facts.

**THE INFLUENCE OF ACIDITY OF CREAM ON THE FLAVOR OF BUTTER.**

It has been a generally accepted theory among teachers of and writers on dairy subjects that the production of good butter necessitates the development of a certain amount of acid in the cream, for two reasons—to develop a desirable flavor and to improve the keeping quality. Recent investigations by the United States Department of Agriculture indicate, however, that butter made from pasteurized sweet cream has better keeping qualities and remains free from objectionable flavors for a longer time than butter made from sour cream.

The Dairy Division of the Bureau of Animal Industry for the past three years has been making a study of the changes which butter undergoes in storage, and especially the influence of acidity of cream on the keeping qualities. This was done to determine the best method of making butter for storage. The investigations have been carried on by Messrs. L. A. Rogers and C. E. Gray, and included the making of experimental lots of butter by different methods and in different parts of the country. This butter was kept in cold storage and was examined and scored at certain intervals, the scoring being done by men who had no previous knowl-



edge of how, when, or where the butter was made, so that their conclusions were based strictly on the quality of the butter. A report of this work has just been issued as Bulletin 114 of the Bureau of Animal Industry.

As a result of the investigations it was found that butter frequently undergoes marked changes even when stored at very low temperatures, and that these changes are more marked as the acidity of the cream from which the butter is made is increased. No bacteria were found in the cream or the butter which could reasonably be expected to be the cause of the more rapid deterioration of the high-acid butter. Furthermore, the changes in the high-acid butter were not checked by heating the ripened cream, which shows that they were not brought about by enzymes secreted with or in the cream and carried into the butter. The results also indicated that acid which develops normally in the cream by the action of certain bacteria, or which is added directly to the cream in the form of pure acid, brings about or assists in bringing about a slow decomposition of one or more of the compounds of which butter is largely composed.

What is regarded as of special importance is the fact that butter can be made commercially from sweet pasteurized cream without the addition of a starter. Fresh butter made this way has a flavor too mild to suit the average dealer, but it changes less in storage than butter made by the ordinary methods, and can be sold after storage as high-grade butter. At the present time there are at least ten creameries in the country making butter from sweet pasteurized cream without a starter, and many more with a starter but without ripening. The statements in regard to butter from unripened pasteurized cream do not hold for butter made from unpasteurized cream churned without ripening. Butter made in this way has poor keeping quality.

Butter for the United States Navy is being made from sweet cream, and this plan, adopted last year, is giving satisfaction. A tub of sweet-cream butter 14 months old on exhibition at the National Dairy Show last December had no storage or fishy flavor, and was pronounced a fine article.

#### THE INFLUENCE OF THE CANNING PROCESS ON THE CONTENT OF FOOD SALTS OF SPINACH.

BY "W."

In order to determine the influence of the canning process on the content of food salts of spinach the following experiments were carried out:

Ninety pounds of spinach, freed from roots, were washed several times in the usual manner and well drained. The spinach was then blanched for seven minutes, using for this purpose distilled water in order to avoid complications on account of the salts in the regular water supply. The spinach was next brought upon a sieve and the blanch water carefully collected. After being passed through the cutter the spinach was weighed and divided into two exactly equal parts. The blanch water was likewise divided. One portion of the spinach (Experiment 1) was replaced over the fire with half the blanch water, while the other portion (Experiment 2) was boiled with distilled water to the usual consistency of canned spinach. Salt was not added.

The spinach was now placed in half kilogram cans, sealed and sterilized in the ?? for forty minutes at 117°C. The ninety pounds filled eighty cans. After three days several cans of each lot were opened and the contents thrown into a glass funnel lightly closed with cotton wadding; the clear filtrate was allowed to run, without the application of pressure into weighed flasks. There was a marked difference in the appearance of the two filtrates; while the liquid from Experiment 1 (cooked with the blanch water) was dark brown, the liquid from Experiment 2 (cooked with distilled water) was brownish yellow.

The liquids so collected were next weighed and evaporated to dryness on the water bath after which the extract was dried for three hours at 100°C and weighed. The extract was then ignited and the ash weighed. Results:

	Filtrate.	Extract.	Ash.
Experiment 1.....	150 grams	4.02 g	1.10 g
Experiment 2.....	154 "	1.89 g	0.45 g

Analysis of the original spinach showed 88.4% water and 1.84% Ash. From the ninety pounds of spinach there was obtained 80 half kilogram cans of finished product, so that each can contained 562.5 grams of the original spinach. In order to bring the above figures into comparison with the analysis of the original spinach, they were re-calculated as percent of this 562.5 grams with results as follows:

	Water in can.	Extract Content.	Ash Content.
Experiment 1.....	26.6%	0.71%	0.20%
Experiment 2.....	27.4%	0.34%	0.08%

From the above figures it may be seen that a considerable percentage of the mineral constituents of spinach possess into the blanch water (about 7%).

KONSERVEN ZEITUNG.

#### ABOUT ENOUGH OF WILEY.

Dr. Wiley has again been reversed. He ought to be getting accustomed to it by this time. It is a sad commentary, however, on the reputation of the chief chemist of the Department of Agriculture when he is overruled practically every time his decisions are put to a test. Two of the latest rulings against him—in the benzoate of soda and whiskey labeling cases—have reversed acts on his part which have caused the loss of hundreds of thousands of dollars to the manufacturers interested.

The total cost of his mistakes will probably reach into the millions. Yet he is still the government chemist, and though his power has been curtailed to some extent, he is still largely free to inflict damage upon the country. How long does the government intend to put up with such a chemist, and how long will the business interests of the country stand for him? Both seem to be unnecessarily long-suffering.

Had he been working for a private corporation, and been found making such costly mistakes, he would have been "fired" long ago. Perhaps the authorities at Washington are afraid that should he be summarily discharged for incompetency, he would pose as a martyr and there would be a reaction in his favor. The record against him, however, is so strong that it does not seem possible that even the sensational press would be able to take up the cudgels in his behalf with any effect. It would appear that the country has had about enough of Wiley.—*The National Provisioner*.

#### COMMISSIONER CANNON IN CHARGE OF RECEPTION.

As we go to press we are pleased to announce that the Hon. Wilber F. Cannon, Food Commissioner of Colorado will have charge of the arrangements to receive the delegates to the Convention of the Association of State and National Food and Dairy Departments. In our May issue we called attention to a mistake which might have caused friction in the arrangements for the Convention. This has happily been averted, and was caused by a misunderstanding in regard to conditions prevailing at Denver, and was no fault of the Executive Committee of the Association. In our July issue we will publish a full list of routes to the convention, from Chicago, with descriptions of side trips in Colorado and such other information as will be of service to those attending the Convention. Now, let everybody pull together and make this the greatest of all Conventions. Everyone who attends will now be assured a cordial Western welcome.

#### A NEW APPETIZER

For hors d'œuvre Frivole take large dill pickles, peel the skin off and scoop out in boat-shaped receptacles, slicing a piece off one side to form the bottom. Fill with a mixture of Duxbury clams, chopped fine, with a little fresh shredded cabbage and hacked water cress, which has been mixed with French dressing and chili sauce.



"Purity" comes out in a new dress, which is an improvement on the old model.

Announcement is made of the calling of the 1909 meeting of the Association of Official Agricultural Chemists in Denver, Colo., August 26 to 28. This almost coincides but should not interfere with the meeting of the Association of State and National Food and Dairy Departments in the same city August 24 to 27.

WILLIS BALDWIN

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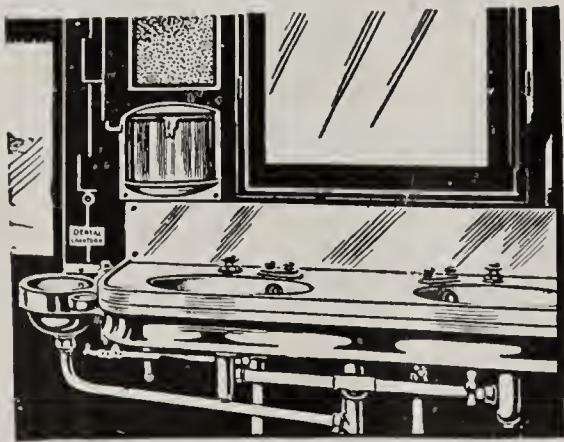
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### DENTAL LAVATORIES.

The "Alton's" Latest.

Did you ever notice the ugly habit in sleeping cars of people cleaning their teeth in the regular lavatories? The new equipment of the Chicago & Alton Railroad presents an inviting change in that respect. New Pullmans have a neat little dental



lavatory for this purpose exclusively; and more that the water, instead of chilling sensitive teeth, has the chill removed. A rinsing apparatus for automatically cleansing the bowl is also a feature, and separate water glasses are provided. A traveler recently said: "If for no other reason, I'd travel over the Alton just for this new idea." It's a big advance, but not the first made by the popular C. & A., which is the pioneer Pullman sleeping car line, the pioneer dining car line and the pioneer reclining chair car line.

*News Item, not an Advertisement*—For the information of the editor. If cut to illustrate is desired, please address

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# THE AMERICAN FOOD JOURNAL



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## New Food, Dairy, Drug and Sanitary Laws Passed by State Legislatures in 1909.

We herewith present to our readers a complete list of food, dairy, drug, sanitary and net weight laws passed in those states whose legislatures have been in session during the year 1909. The list is complete to date of going to press (July 15th) with the exceptions of Connecticut, whose general assembly has not yet adjourned, and Georgia, whose Legislature has just been convened in regular session; the state of Washington Legislature convened in special session June 28th.

### Arizona.

The Legislature has adjourned.  
No new pure food, drug or sanitary legislation was passed.

### Alabama.

The Legislature has adjourned.  
No new pure food, drug or sanitary legislation was passed.

### Arkansas.

Legislature adjourned May 12th.  
No new pure food, drug or sanitary legislation was passed.

### California.

Legislature has adjourned, and has passed the following seven acts, which have been approved by the Governor and are now the laws of California.

#### SENATE BILL NO. 47.

##### CHAPTER 104.

An act providing for the sanitation of food producing establishments, places where food is stored, prepared, kept or manufactured in which food is distributed; regulating the health of persons by whom the materials from which food is prepared or the finished product is handled; providing for the inspection of such places, persons and things; declaring places and things in violation of this act to be nuisances dangerous to health and providing for the abatement of the same; making violations of this act misdemeanors; and providing for the punishment of the same.

Approved March 6, 1909.

#### SENATE BILL NO. 51.

An act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors and regulating the traffic therein, providing penalties, establishing a state laboratory for foods, liquors and drugs and making an appropriation therefor.

Approved March 11, 1907; as amended 1909.

#### SENATE BILL NO. 56.

##### CHAPTER 324.

An act to amend section 536 of the Penal Code, relating to false statements by consignees and others.

Approved March 20, 1909.

#### SENATE BILL NO. 768.

##### CHAPTER 264.

An act to regulate the production and sale of certified milk.

Approved March 18, 1909.

#### SENATE BILL NO. 936.

##### CHAPTER 226.

An act to amend section 4 of an act entitled "An act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors, and regulating the traffic therein, providing penalties, establishing a state laboratory for foods, liquors and drugs, and making an appropriation therefor," approved March 11, 1907, relating to the adulteration of food.

Approved March 13, 1909.

#### HOUSE BILL NO. 179.

An act to provide for the appointment of a bake shop inspector and deputies; to provide for their compensation and to define their powers and duties relating to the inspection of bake shops and bakeries.

#### HOUSE BILL NO. 1020.

An act to amend section two of "an act to prohibit adulteration and deception in the sale of dairy products, defining adulteration in dairy products, to establish standards of quality in dairy products and to provide for enforcing its provisions," approved March 15, 1907.

### Colorado.

The Legislature has adjourned.

No new pure food, drug or sanitary legislation was passed, except four additional inspectors and slight increase in appropriation for work.



**Connecticut.**

The General Assembly of Connecticut has not yet adjourned, from present indications, will probably do so about the first of August. There are some amendments still pending in relation to the food and drug law.

A bill causing print butter to have the net weight stamped on the wrapper has passed the House and will probably in a few days pass the Senate.

Also a bill causing dealers to label or placard all cold storage or preserved eggs when exhibited for sale. This bill has also passed the House and will probably pass the Senate in a short time.

There are two or three other bills or amendments, which, if they become a law, will quite materially change the food and drug act passed at the last session of the Connecticut Legislature.

**HOUSE BILL 93.**

Relates to meat and meat food products.  
Referred to Appropriation Committee.

**HOUSE BILL NO. 495.**

By Mr. Beckwith.

Relates to butter.

**HOUSE BILL NO. 663.**

By Mr. Donovan, February 11th.

Referred to Labor Committee.

Relates to bake shops.

This bill is passed and is now the Law.

**Florida.**

The Legislature adjourned June 5th.

**SENATE BILL No. 108.**

By Mr. Grill. April 15.

A bill is for an act to amend sections 2, 7, 10, 11, 12 and 14, of the present food law of Florida.

Section 11 authorizes the Commissioner of Agriculture and the State Chemist to fix standards of purity for food products.

The following amendments have been made to the above bill:

1. In section 7, before the word "sold," insert the words "or if not of a poisonous or deleterious character may be."
2. In section 7, after the words "in the order direct," add the words "which order shall guard against any further violations of this act by such sale or other disposition."
3. In section 11, insert the word "States" after the word "United."
4. In section 11, insert the word "be" after the words "defined to."

This bill has passed the Senate and the House and is now the Law.

**Georgia.**

The Legislature of Georgia is now in regular session.

**Idaho.**

The Legislature of Idaho adjourned March 5th, and passed the following bills and are now laws.

**HOUSE BILL NO. 98.**

By Mr. Shaw.

An act to amend Chapter 21 of Title 8 of the political code, revised codes of Idaho, by adding thereto Sections 1400a, 1400b, 1400c and 1400d, providing against the evils resulting from the traffic in certain narcotic drugs, regulating the sale thereof, and prescribing punishments for violation of those provisions.

**HOUSE BILL NO. 171.**

By Committee on Public Health.

An act relating to the preservation of the public health, prescribing certain duties for the state and local boards of health; providing for the establishment of bacteriological stations, and the appointment of bacteriologists; providing for the appointment of a county physician and the membership of county boards of health; amending Sections 1081, 1091, 1095, 1098 and 1099 of the political code, revised codes of Idaho; adding to Chapter 1 of Title 8 of the said political code, two sections to be known as sections 1097A and 1097B; repealing Sections 1109, 1110, 1111, 1112 and 1113 comprising Chapter 2 of Title 8 of said political code and declaring an emergency.

**HOUSE BILL NO. 172.**

By Committee on Public Health.

An act to amend Chapter 3 of Title 8 of the political code, revised codes of Idaho, relating to dairy, food and oil inspection, so as to abolish the Board of Dairy, Food and Oil Commissioners and transfer the duties imposed on said Board to the State Board of Health; to abolish the office of Dairy, Food and Oil Commissioner and to substitute therefor the office of Dairy, Food and Sanitary Inspector; providing for the appointment and prescribing the duties of a State Chemist; and specifically amending Sections 1114, 1115, 1116, 1118, 1119, 1121, 1122, 1123, 1133, 1145, 1146, 1147, 1149, 1150 and 1152, and repealing Sections 1117, 1120 and 1148 of said Chapter 3, Title 8 of the political code of the revised codes of Idaho; so as to accomplish the purposes above specified, and declaring an emergency.

**Illinois.**

The legislature of Illinois adjourned Friday, June 4, 1909, as predicted in the May issue of THE AMERICAN FOOD JOURNAL. No new food, drug, dairy, sanitary or net weight legislation was passed at this session of the legislature with the exception of an amendment to the Illinois Food Law of 1907, with reference to the standards on condensed and evaporated milk. This bill was known as S. B. No. 442, and amends the present Illinois Food Law, by striking out the standards on condensed and evaporated milk, leaving no standards on these articles.

Another matter of great interest to the dairy industry of Illinois was the passing of a resolution known as House Joint Resolution No. 20, introduced by Speaker Shurtleff for the appointment of a commission to investigate the milk supply of Illinois, to be reported at the next session of the legislature. The Resolution is printed in another part of this issue in full.

The legislature was very liberal to the Illinois Food Commission, as will be shown by the appropriation published in another part of this issue, when compared with the pruning of the University of Illinois, the Factory Inspection, the State Board of Health and other department appropriations.

**Indiana.**

The Legislature of Indiana has adjourned and passed the following three laws relating to Food Stuffs:

**ENGROSSED H. B. 44**

This bill passed both houses, and has been signed by the Governor, and has become a law.

**HOUSE BILL NO. 308.**

By Mr. White.

Referred to Committee on Sanitation.

Is a sanitary regulation and will affect particularly those maintaining establishments for the manufacture of food in Indiana.

This bill has passed both houses and has been signed by the Governor and is now a law, and was printed in the March issue of this journal.

**H. B. 345.**

Has passed both Houses, signed by the Governor and is now the law of the State.

**Iowa.**

The Legislature adjourned April 10.

The only new pure food, drug or sanitary legislation adopted is the following which is a standard for oysters:

**HOUSE FILE NO. 321.**

By Mr. Hanson.

A bill for an act to amend the law as it appears in Section Four Thousand Nine Hundred and Ninety-Nine-a Thirty-One (4999-a 31) of the supplement to the code Nineteen Hundred and Seven (1907) relating to food standards.

Be it Enacted by the General Assembly of the State of Iowa:

Section 1. That section Four Thousand Nine Hundred and Ninety-Nine-a Thirty-one (4999-a 31) be amended by adding thereto the following: "Oysters shall not contain ice, nor more than sixteen and two-thirds (16 2-3) per cent by weight of free liquid."

**Kansas.**

Legislature adjourned March 10th, and passed the following Pure Food, Drug and Weight and Measure Bills, and were published in The American Food Journal of April.



SENATE BILL NO. 134.  
SENATE BILL NO. 135.

**Maine.**

The Legislature has adjourned.

The General Food and Drug Law remains unchanged, there were some changes and modifications in the Dairy Laws. There is no general sanitary law in the state.

**Massachusetts**

The Legislature has adjourned.

**Michigan.**

The Legislature adjourned May 20, and passed the following Food Bills and are now Laws.

BILL NO. 299.

FILE NO. 172.

Introduced by Mr. Stewart.

HOUSE ENROLLED ACT NO. 77.

An act to amend section two of act number two hundred forty-three of the Public Acts of nineteen hundred three, entitled "An act in relation to the manufacture and sale of renovated butter."

BILL NO. 135.

FILE NO. 114.

Introduced by Mr. Newkirk.

HOUSE ENROLLED ACT NO. 86.

An act to prohibit and prevent adulteration, misbranding, fraud and deception in the manufacture and sale of drugs and drug products in the state of Michigan and to provide for the enforcement thereof.

HOUSE BILL NO. 146.

An act to regulate the manufacture and sale of ice cream within the limits of the state of Michigan.

BILL NO. 283.

FILE NO. 131.

Introduced by Mr. Straight.

HOUSE ENROLLED ACT NO. 188.

An act to establish uniform weights and measures of the various products of cereals in barrels or the fractional parts thereof when packed for sale or exposed for sale to firms or persons within this State, and to provide for the marking of the weight on package of the products of such cereals.

**Minnesota**

The Legislature adjourned April 23rd and passed the following new and amended laws relating to Dairy Products, Foods, Drugs and Sanitation:

CHAPTER 353—H. F. No. 1017.

An act regulating the labelling of the products of pasteurized milk and cream.

CHAPTER 428—S. F. No. 231.

An act to amend sections 1735, 1739, 1740, 1741, 1743, 1744 and 1756 of the Revised Laws of 1905, and the several acts amendatory thereof, relating to the dairy and food department.

CHAPTER 468—H. F. No. 511.

An act to prevent unlawful discrimination in the sale of milk, cream, butter-fat and to provide a punishment for the same.

CHAPTER 337—S. F. No. 619.

An act to amend Chapter 455 of the general of the year 1907 entitled "an act to provide for the inspection of canneries, publishing reports of same and establishing a grade for canned fruits and vegetables."

CHAPTER 498—H. F. No. 388.

An act providing for the licensing of operators of testing apparatus and prescribing a penalty for its violation.

**Missouri.**

The Missouri Legislature has adjourned and passed the following Dairy, Food and Sanitary Laws:

SENATE BILL No. 261.

An act to provide for the appointment of dairy instructors by the State Board of Agriculture and to define their duties.

SENATE BILL No. 565.

An act establishing standards for dairy products prohibiting the sale of said products when adulterated, prescribing

penalties for the violation of the provisions of this act and repealing all laws and parts of laws in conflict or inconsistent herewith.

HOUSE BILL No. 734.

An act regulating the production, storing and vending of milk and the care and feeding of cows, the sanitation of stables and yards where milch cows are kept, the care and sanitation of vehicles used for the transportation of milk defining what is adulterated and what impure milk and fixing penalties for violations thereof.

HOUSE BILL No. 735.

An act to amend article 5, chapter \*7, Revised Statutes of Missouri by adding thereto two new sections to be known as sections 4749a and 4749b and by striking out from section 4754 of such article 5, chapter 67, in the first line thereof the words, "the state board of agriculture" and adding in place thereof, the words, "The State Food Commissioners."

HOUSE BILL No. 751.

An act to create a bureau of dairying, and placing the same under the control of the State Board of Agriculture; to provide the appointment of the chief thereof, and defining his terms of office and his duties and powers; defining what shall be known as public creameries public dairies, butter and cheese factories and milk depots; fixing a standard for milk measures, test tubes, providing penalties for the use of false measures or milk testing machine, adopting United States standards of purity, and definition of dairy products; prohibiting the sale of adulterated or impure milk, and fixing penalties for the same; fixing penalties for interfering or obstructing the commissioner in the performance of his duties and repealing all conflicting acts or parts of acts.

HOUSE BILL No. 775.

An act to amend article 5, chapter 67, Revised Statutes of Missouri 1899, entitled "Imitation Butter" by adding thereto two new sections to be known as sections 4747a and 4747b.

**Montana.**

The Legislature has adjourned without passing any new food laws.

**Nebraska.**

The Legislature adjourned and passed the following laws:

SENATE FILE NO. 140.

By Mr. Randall.

Is a Sanitation Bill, and has passed and signed by the Governor.

SENATE FILE NO. 262.

HOUSE ROLL NO. 90.

By J. F. Carr.

Relates to duties of Commission Merchants. Passed both houses and signed by the Governor.

HOUSE BILL NO. 188.

By Mr. Leigh, Jan. 26, 1909.

Referred to Committee on Miscellaneous Subjects.

Is a bill to regulate the sale of vinegar and makes standards for same.

This bill has passed the House and the Senate and is the law.

HOUSE BILL NO. 486.

By Mr. Smith.

Committee on Miscellaneous Subjects.

"This bill, as finally amended and passed, is as follows: Amendment to section 9825 of Cobbe's annotated statutes for 1907 relating to branding the net weight on certain kinds of packages of foods and drugs and providing that bleached flour may be sold without being deemed adulterated within the meaning of the act. The provision compels the branding of both net weight and contents on packages of dairy products, lard, cottolene, or any other substance used in the place of lard, wheat products, oats products, corn products, prepared and unprepared, sugar, syrup, molasses, tea, coffee and dried fruit, and exempting meats, preserved fruits and a few other things from the provisions. Then the provision is added regarding the legality of the sale of bleached flour within the state."

This bill has passed the House and Senate and was signed by the Governor.



**Nevada.**

The Nevada Legislature adjourned and passed Senate Substitute for Assembly Bill No. 48, and was approved by the Governor on March 13, 1909, and is:

"An Act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded or poisonous or deleterious foods, drugs, medicines and liquors, and for regulating the traffic therein, providing penalties, and making an appropriation for the carrying out of this act."

**New Hampshire.**

The Legislature of New Hampshire adjourned and passed the following pure food and sanitary bills, which have been approved by the Governor, and are now the laws of the state:

"An Act to provide for sanitary inspections of places where food or food products are manufactured in the State of New Hampshire."

"An Act in amendment of an addition to Section 18 of Chapter 127 of the public statutes as amended in 1901 and 1903, relating to the percentage of fat in milk."

"An Act in amendment to the food and drugs law of 1907, relating to the penalty for violation of the said law."

"An Act in amendment of Chapter 72, laws of 1907, relating to the manufacture and sale of ice cream."

**New Jersey**

The Legislature adjourned April 16.

SENATE BILL NO. 39.

By Mr. Freylinghuysen, Jan. 25, 1909.

Referred to Committee on Public Health.

Relates to dairy products. This bill has passed both Houses, and is now the law.

SENATE BILL NO. 142.

By Mr. Brown.

Referred to Committee on Public Health.

It is a sanitary regulation affecting those maintaining establishments in New Jersey and has passed both Houses, and is now the law of the state.

**New Mexico.**

The Territorial Legislature has adjourned and passed no new pure food laws.

**New York**

The Legislature adjourned May 3.

HOUSE BILL 823.

By Mr. Wood, March 2.

Referred to Committee on Public Health.

A bill to repeal Sections 40 to 44 and Section 50 of Chapter 49 of the laws of 1909 entitled "An Act in Relation to the Public Health Constituting Chapter 45 of the Consolidated Laws. This bill has passed the House and Senate.

HOUSE BILL 990.

By Mr. Young.

This bill declares the units or standards of measures of capacity for liquids and the unit or standard of capacity for substances not liquids.

It also provides that all manufacturers of small fruit packages, such as quarts, pints and half-pints, shall mark the word "short" on any package that is a short size. This bill has passed the Assembly and the Senate.

HOUSE BILL NO. 1035.

By Mr. Boshart.

Amends the Agricultural Law in relation to Vinegar.

This bill passed the House and Senate.

HOUSE BILL NO. 1036.

By Mr. Boshart.

Amends Section 30 of the Agricultural Law in relation to the Adulteration of Cream.

This bill passed both houses.

HOUSE BILL NO. 1596.

By Mr. Boshart.

Relates to the Sale of Oleomargarine.

This bill has passed both houses.

**North Carolina.**

The North Carolina Legislature adjourned and passed the following amendment to the food law:

**SENATE BILL NO. 1859.**

This bill reads as follows:

"The General Assembly of North Carolina do enact:

"Sec. 1. That Chapter 368 of the Public Laws of 1907 be and the same is hereby amended as follows: After the word 'colored' and before the word 'powdered' in line one, subsection four, section six, the word 'bleached.'

"Sec. 2. At the end of section 6 insert the following: 'Eighth. By consent of the Board the Commissioner of Agriculture may when he deems it advisable and to the best interest of the public suspend the action of any provision of subsection 5, section 6 of said act, relating to the use of chemical preservatives and coal tar dyes in food when the provision of said section is not in harmony with the provisions of the National Food Law or rulings thereunder.'

"Sec. 3. This act shall be in force from and after its ratification."

The above bill passed both Houses and is now a law.

**North Dakota.**

The Legislature adjourned March 10th, and passed the three (3) following Food, Dairy, Drug, Liquor and Sanitary Bills:

SENATE BILL NO. 67.

By Mr. Kennedy.

SENATE BILL NO. 107.

By Mr. Kennedy.

HOUSE BILL NO. 307.

By Mr. Duncan.

**Ohio.**

The Legislature of Ohio adjourned March 12 and passed the two following Food Laws:

SENATE BILL NO. 112.

HOUSE BILL NO. 15.

Both of these laws were printed in the March issue of THE AMERICAN FOOD JOURNAL.

**Oklahoma.**

The Oklahoma Legislature adjourned March 13, and passed the following Bill:

HOUSE BILL NO. 404.

By Mr. Stafford.

It is a general food, drink and drug bill and has become a law, and will be published in full in a subsequent issue of this Journal.

**Oregon.**

The Oregon Legislature adjourned sine die March 1st. and passed the following new Dairy Law:

CHAPTER 237, LAWS OF 1909.

(S. B. 26.)

An act to provide measures for improving the quality of milk, cream, butter, and cheese, and for all dairy products of Oregon, and to provide for the employment of deputies qualified to inspect dairies, creameries and cheese factories, and to collect and disseminate valuable dairy information, and to form cow testing associations, and to provide a penalty for its violation.

**Pennsylvania**

The Pennsylvania Legislature adjourned April 15th.

SENATE BILL NO. 3.

By Mr. Gerberick, Jan. 25, 1909.

The legislature adjourned April 15th, and passed the following laws:

S. F. No. 37.

*The Murphy Food Act.* This bill was signed by Governor Stuart on May 13th and is now the law of the state of Pennsylvania and is reproduced in full in another part of this issue.

The following acts have been passed, signed by the governor and are now the laws of the State of Pennsylvania:

No. 9.

An act for the protection of the public health, by prohibiting the sale, offering for sale, exposing for sale, or having in possession with intent to sell, of eggs unfit for food, as therein defined, and prohibiting the use of such eggs in the preparation of food products; providing penalties for the violation thereof, and providing for the enforcement thereof.



## No. 10.

An act relating to non-alcoholic drinks; defining the same; and prohibiting the manufacture, sale, offering for sale, exposing for sale, or having in possession with intent to sell, of any adulterated or misbranded non-alcoholic drinks; and providing penalties for the violation thereof, and providing for the enforcement thereof.

## No. 11.

An act to protect the public health, and prevent fraud and deception in the manufacture or sale of lard, lard substitutes, imitation lard, and lard compounds; providing penalties for the violation thereof, and providing for the enforcement thereof.

## No. 37.

An act relating to milk; providing for the protection of the public health, and the prevention of fraud and deception, by regulating the sale of milk, skimmed milk, and cream; providing penalties for the violation thereof, and providing for the enforcement thereof.

## No. 38.

An act for the protection of the public health; and to prevent fraud and deception in the manufacture, sale, offering for sale, exposing for sale, and having in possession with intent to sell, of adulterated or deleterious ice-cream; fixing a standard of butter-fat for ice-cream; providing penalties for the violation thereof, and providing for the enforcement thereof.

**Rhode Island.**

The Legislature has adjourned, and no new Pure Food, Drug or Sanitary legislation was enacted.

**South Carolina.**

The Legislature of South Carolina adjourned, March 5, and passed an act to further protect the public health and the health of domestic animals by providing for the inspection of live stock imported into the State.

**South Dakota.**

The South Dakota Legislature adjourned March 6th, and passed the following four (4) Pure Food, Drug and Dairy Bills, and are now the Laws of the State and will be published in full in a subsequent issue of this journal.

## \* CHAPTER 163.

## SENATE BILL NO. 314.

An act entitled, an act to prevent the manufacture, sale, keeping for sale or transportation of adulterated or misbranded, poisonous or deleterious foods, dairy products or liquors; for regulating traffic therein; providing for its enforcement and prescribing penalties for the violation thereof.

## CHAPTER 206.

## SENATE BILL NO. 323.

An act to authorize the consolidation of funds and items heretofore appropriated for the Food and Dairy Commissioner's Office for a term ending July first, 1909, and to authorize the payment of salaries, expenses and maintenance of said office out of any of the money heretofore appropriated for that purpose.

## CHAPTER 180.

## HOUSE BILL NO. 2.

An act to prevent the manufacture or sale of adulterated or misbranded drugs, providing for penalties for its violation and providing for its enforcement.

## CHAPTER 296.

## HOUSE BILL NO. 388.

An act to provide for a State Dairy Expert; to prevent the adulteration of milk, cream and dairy products, to regulate the manufacture and sale of dairy products, and for other purposes.

**Tennessee.**

The Legislature adjourned May 1 and passed the following act and is now the Law of the State.

## CHAPTER 473.

## HOUSE BILL NO. 535.

(By Messrs. Puryear and Chestnutt.)

An act providing for the sanitation of bakeries, canneries, packing houses, slaughterhouses, dairies, creameries, cheese factories, confectioneries, restaurants, hotels, groceries, meat markets, and all other food-producing establishments, manu-

factories, or other places where food is prepared, manufactured, packed, stored, sold, or distributed, and vehicles in which food is placed for transportation; regulating the health of operatives, employees, clerks, drivers, and all other persons working on the premises who handle the material from which food is prepared or the finished product; defining food; regulating the wholesomeness of food manufactured, prepared, packed, stored, sold, distributed, or transported; and defining the duties of the State Board of Health and the Pure Food and Drug Inspectors, and providing penalties for the violation thereof.

**Texas.**

The Texas Legislature has adjourned and passed the following bill:

## HOUSE BILL No. 28.

An act of the thirty-first Legislature of Texas to prohibit and prevent adulteration, fraud and deception in the manufacture and sale of foods, drugs and drinks. Approved March 20, 1909. Known as the Pure Food and Drug Law (amending the Blanton pure food law). Introduced by Hon. J. P. Hayter, senator from Wise County; Hon. Worth S. Ray, Hon. F. F. Hill, Representatives from Denton County:

An act to amend chapter 39 of the Acts of the General Laws of the Thirtieth Legislature, entitled "an act to prohibit and prevent the adulteration, fraud and deception in the manufacture of and sale of articles of food and drugs; prescribing penalties for the violation of this act; to provide for the appointment of a Dairy and Food Commissioner and to define his powers and duties and to fix his compensation; and to repeal all laws in conflict with the provisions of this act, and declaring an emergency;" so as to more perfectly prevent the manufacture of, sale of or offering for sale of, misbranded or adulterated food and drugs; to prevent the addition of injurious drugs or articles of foods; to provide for a Dairy and Food Commissioner, one stenographer, one assistant chemist, and two inspectors, fixing their compensation, defining their powers and duties; making an appropriation for the purpose of carrying into effect this act for the remainder of the fiscal year and providing the payment of unpaid salary and expenses of the Pure Food Commissioner and his assistants that accrued under chapter 39 of the acts of the General Laws of the Thirtieth Legislature, and declaring an emergency.

**Utah.**

The Legislature has adjourned and passed the following Food bills, and are now the Laws of Utah:

## SENATE BILL NO. 80.

By Mr. Williams.

Referred to Committee on Public Health.

Is an act creating a Dairy and Food Bureau, defining its duties, powers, etc.

Section 1 creates a State Dairy and Food Bureau to consist of 9 residents of the state. The Governor, State Chemist, Secretary of the State Board of Health, and State Dairy and Food Commissioner shall be members of the board. Five other members shall be appointed by the Governor, as follows:

One practical manufacturer or packer of food or food products; one practical farmer; one representative of the live stock and slaughter interests; one merchant engaged in the sale of food products, and one member shall be a non-producer of food products.

Section 2 gives the said bureau power to establish rules and regulations for the operation of creameries, butter and cheese factories, dairies, slaughter houses, confectioneries, bakeries, and all places where food is bought, sold, manufactured, prepared or stored. The rules and regulations thus established to conform as nearly as possible with the regulations promulgated by the Agricultural Department of the United States under the Food and Drugs Act, and also under the Meat Inspection Act.

Section 3 makes it an offense to violate any rules or regulations established by the said bureau.

Section 4 appropriates money for carrying out the law.

This bill is now the law of the State and is the same as originally presented except that the members of the Commission were reduced to five.

## SENATE BILL NO. 136.

By Mr. Hyde.

Relates to Dairies, provides that they must exist under licences and be kept in Sanitary Condition.



**Washington.**

The regular session of the Washington Legislature adjourned April 15th, and only two laws were passed affecting the office of the Dairy and Food Department.

One provides that in place of one State Chemist there shall now be two. The chemist at the State College at Pullman, Washington, and the dean of the School of Pharmacy at Washington University, Seattle, Wash.

The other act provides for the purity of agricultural seeds and places the enforcement thereof under the Dairy and Food Department.

**CHAPTER 28.**

(S. B. 157.)

An act relating to the adulteration of foods, drinks and drugs, and amending section 9 of chapter 211, of the Session Laws of 1907.

*Be it enacted by the Legislature of the State of Washington:*

Section 1. Section 9 of chapter 211, Session Laws of 1907, is hereby amended to read as follows: Section 9. It shall be the duty of the chemist of the State Agricultural Experiment Station and the dean of the school of pharmacy of the University of Washington, or either of them, to analyze any and all substances that the Dairy and Food Commissioner may send to them, and report to the commissioner, without unnecessary delay, the result of any analysis so made, and when called upon by the said commissioner, the said chemist shall assist in the prosecution of violations of the law by giving testimony as an expert or otherwise.

Passed by the Senate February 4, 1909.

Passed by the House February 24, 1909.

Approved by the Governor March 2, 1909.

**CHAPTER 201.**

(H. B. 299.)

An act to provide for registration and guarantee of composition of concentrated commercial feeding stuffs and for fees for such registration, providing against the adulteration of such feeding stuffs, declaring violation of its provisions to be a misdemeanor and providing a penalty therefor and requiring the Attorney General and prosecuting attorneys to prosecute violations thereof.

THE WASHINGTON LEGISLATURE WAS CONVENED IN SPECIAL SESSION ON JULY FIRST AND IS NOW IN SESSION.

**West Virginia.**

The West Virginia Legislature adjourned March 1. No new pure food or drug laws were passed.

**Wisconsin.**

The Wisconsin Legislature adjourned June 18 and passed the following bills:

**SENATE BILL NO. 213, S.**

By Mr. Barker, Feb. 10.

Referred to Committee on Public Health.

Relates to the sanitation of bakeries and confectioneries.

This bill has passed and was signed by the Governor.

**SENATE BILL NO. 384, S.**

By Mr. Donald, Feb. 23.

Referred to Committee on Agriculture.

Relates to the sale of unsanitary milk.

This bill has passed and was signed by the Governor.

**HOUSE BILL NO. 286-A.**

By Mr. Mortensen.

Feb. 5, 1909.

Referred to Committee on Public Health.

Relates to the sale of dairy products.

This bill has passed and was signed by the Governor.

**HOUSE BILL NO. 372, A.**

By Mr. Georgi, Feb. 11.

Referred to Committee on Public Health.

Defines the terms "bakery," or "bakeries" or "baking establishment."

This bill has passed House and Senate.

**HOUSE BILL NO. 428, A.**

By Mr. Ingram, Feb. 11, 1909.

Relates to intoxicating liquors, as follows:

"Section 1. There is added to the statutes a new section to read: Section 1557t. 1. No person shall expose or offer for sale or sell any malt, ardent or intoxicating liquors or

drinks unless each package, barrel, keg or bottle containing the same shall have plainly marked thereon in English the names of and quantity of each ingredient used in the manufacture of such liquors or drinks. This section shall not apply to liquors or drinks shipped out of the state."

This bill has passed the House and Senate.

**HOUSE BILL NO. 526a.**

By Mr. Wells.

Referred to Committee on public health Feb. 16th.

Is a bill for the sanitation of food producing establishments.

This bill has passed the House and Senate.

**HOUSE BILL NO. 529, A.**

Mr. Kull, Feb. 16.

Referred to Committee on Public Health.

Transferred to Committee on Dairy and Food Matters.

It is a bill to adopt food standards for the state of Wisconsin.

**WISCONSIN AMENDMENT No. 1 to HOUSE BILL No. 529-a.**

The following amendment to H. B. 529-a has been offered by the committee:

Amend by striking out from the third line of section 2, page 1 of the printed bill, the word "for" and inserting in lieu thereof the words "relating to."

Further amend by inserting after the word "following" in the fourth line of section 2, page 1, of the printed bill the words "definitions and."

Further amend by inserting, striking out from the fifth line of section 2, page 1, of the printed bill the words "of purity."

Further amend by inserting after the word "legal" in the fifth line of section 2, page 1, of the printed bill, the words "definitions and."

Further amend by striking out the word "animals" where said word occurs at the end of line 1, paragraph 1, page 1, of the printed bill and inserting in lieu thereof the word "mammals."

Further amend by inserting after line 26, on page 2, of printed bill, the following words: "Provided, that the foregoing provisions relating to the containers shall not take effect until the first day of July, one thousand nine hundred eleven."

Further amend by striking out the words "condensed milk" where said words occur in line 15, of paragraph 5, of the printed bill.

Further amend by striking out the word "sweetened," where said word occurs in line 19, paragraph 5, of the printed bill.

Further amend by striking out the word "or" where said word occurs in line 102, paragraph 22, page 23, of the printed bill, and insert in lieu thereof the word "of."

Further amend by striking out the word "glove" where said word occurs in line 33, paragraph 22, page 21, of the printed bill and insert in lieu thereof the word "clove."

Further amend by striking out the word "retractive" where said word occurs in line 66, paragraph 23, page 27, of the printed bill and insert in lieu thereof the word "refractive."

Further amend by striking out the word "bolume" where said word occurs in line 4, paragraph 31, page 30, of the printed bill and insert in lieu thereof the word "volume."

Further amend by inserting between the words to and "standard" in the second line of the title of the printed bill, the words "definitions and."

Further amend by striking out the words "of which not" where said words occur in line 17, paragraph 5, page 6, of the printed bill, and substituting in lieu thereof the word "nor."

Further amend by striking out the words "twenty-seven and sixty-six hundredths (27.66) per cent" where said words occur in lines 17 and 18, paragraph 5, page 6, of the printed bill, and substituting in lieu thereof the words "eight (8) per cent."

Further amend by striking out the words "of which not" where said words occur in line 21, paragraph 5, page 6, of the printed bill, and substituting in lieu thereof the word "nor."

Further amend by striking out the words "twenty-seven and sixty-six hundredths (27.66) per cent" where said words occur in line 22, of the printed bill, and substitute in lieu thereof the words "eight (8) per cent."

The amendments to the bill made upon the floor consist in cutting out of the bill lines 13 to 26 on page 2 of the printed bill. This provision of the bill begins with the words "suitable containers for keeping moist food products such as



syrup, etc.," and ends with the words "or any compounds thereof or any other poisonous or injurious substance."

Amendment No. 1-A is amended by striking out these words "further amended by inserting after line 26 on page 2 of the printed bill the following words: "Provided that the foregoing provisions relating to containers shall not take effect until the 1st day of July, 1911."

This bill has passed the House and Senate and signed by the Governor.

#### HOUSE BILL NO. 546.

By Mr. Reynolds, February 16, 1909.

Substitute Amendment No. 1A.

A substitute amendment was adopted and prohibits the sale of flour artificially bleached; prohibits the use of benzoic acid or benzoates, except when used on goods for shipment and applied externally, and in such a manner that the preservative will be removed before the food is ready for consumption.

This bill has passed the House and Senate and signed by the Governor.

#### HOUSE BILL NO. 747, A.

By Mr. Reynolds, Feb. 23.

Referred to Committee on Public Health.

Amends Sections 40600 and 40601 of the Statutes relating to foods and drugs.

The sixth definition of adulteration is to the effect that an article shall be deemed to be adulterated or flavored in imitation of the genuine color or flavor of another substance.

The bill also provides that all labeling of packages required shall be on the main label of each package and in such characters and such size of type as shall be uniform with the name of the brand or the name of the manufacturer or jobber and in terms so placed in consecutive order and grouped that the label may be plainly seen and read in its entirety by the purchaser using ordinary care.

The above bill has been amended in the Senate by inserting after the word "alcohol" in the House amendment the following words, "except when intended for external use only and so labeled," and has passed both branches of the Legislature and signed by the Governor.

#### HOUSE BILL No. 891-A.

Introduced by Committee on Dairy and Food.

This bill relates to the sale of sausage and sausage mixtures, and has passed the House and Senate and signed by the Governor.

#### HOUSE BILL No. 893-A.

Introduced by Committee on Dairy and Food.

This bill relates to definitions and standards for fruit and fruit products and to the labeling and sale of mixed jellies, jams, preserves and fruit butters, and has passed the House and Senate and signed by the Governor.

### CHEAP FOODS.

It is a boon to consumers that while poultry, meats, butter and a few other articles are expensive, there are other nutritious foods phenomenally cheap. When sugar, a food of the highest value, can be bought for a nickel a pound, one need not stop to cry about the exactions of a trust. Cereal foods are low in cost and notably so if purchased in bulk. The highest grade of retail stores offer 7 pounds of oatmeal for 33 cents, affording a meal for a family of five at a cost of 1¼ cents. Rice is cheap and one of the most wholesome of foods. Macaroni at 10@12 cents the pound is another article of high nutritive value. The soups which retail at 8@10 cents the tin are of excellent character and deservedly popular. They furnish the first course of a dinner for five at two cents each. A tin of domestic sardines may be purchased at retail at 4 to 5 cents—a marvelously cheap article of food. When the consumer comes to the line of canned foods there are scores of articles retailing from six to ten cents of very good quality. Certainly a can of first class Early June peas, or a tin of tomatoes, string beans, hominy, sauerkraut, corn, within those figures is a marvel of low cost with good quality. Then from 10 to 25 cents there is a profusion of high class foods in tins, each of which furnishes a good portion for five persons. At the highest grade store in the city an eight-ounce tin of sauerkraut and sausage may be obtained for 15 cents, or a one-pound tin of salmon for that sum or less. The latter is equivalent to a quantity of fresh salmon costing 30 to 40 cents in a market. The dried beans or canned pork and beans are available at very small cost. It would be difficult to find a more nutritious article of diet than prunes and yet these can

be had from 4 to 10 cents the pound of excellent quality. The finest of wheat flour at 3½@4 cents the pound is not expensive. We have seen it sell from 8@10 cents.

Tea and coffee are wonderfully cheap. The former affords 220 to 240 cups of beverage at a cost, as to grade, from one-tenth to half a cent the cup. Very fine drinking coffee can be bought at the best stores at five pounds for 85 cents, and each pound makes two gallons of beverage at a cost of 8½ cents the gallon, or a fraction of a cent per cup.

Fresh fruits used to be luxuries. Years ago an orange cost 10@15 cents, and was available for only a few months. Today a box of fancy California oranges can be bought for three dollars, or less than 2 cents each, and they are in the market the year around. Bananas are within reach of the smallest of wage-earners, selling from 1@3 cents each, and of the highest nutritive value.

The truth of the matter is the present generation are through the application of steam, machinery and scientific preparation in factories, enjoying a more extended and nutritive dietary than the world dreamt of sixty years ago. Living at low cost is a matter of individual choice. The opportunity is universal, but it does not mean living on tenderloin of beef, turkey, terrapin and other luxuries.

The people are so surfeited with cheap and wholesome foods that they fail to correctly estimate the blessing just as they do not appreciate pure air and pure water. It seems as if familiarity bred contempt.

\* \* \*

It is not true, therefore, that the day of cheap food has passed. There has been no important change except in the congested markets. Transportation charges, the profits of middlemen, the exactions of combinations and the other costs of distribution and delivery have increased in spite of improved methods, but the enhanced prices rest upon products which in the first instance barely paid for their growth. If our farmers received a fair proportion of the money paid by consumers for their commodities they would be the richest class of workmen in the world. As a matter of fact, their earnings after interest charges are deducted average less than \$900 a year on the basis of crop valuation adopted by the Agricultural Department.—American Grocer.

### "THE SOUTH IS GOING DRY."

Lay the jest about the julep in the camphor balls at last,  
For the miracle has happened and the olden days are past;  
That which makes Milwaukee famous doesn't foam in Tennessee

And the lid in old Missouri is as tightlocked as can be—  
O, the comic paper Colonel and his cronies well may sigh,  
For the mint is waving gayly, but the South is going dry.

By the stillside on the hillside in Kentucky all is still,  
For the only damp refreshment must be dipped up from the rill;

No'th Calina's stately gov'nor gives his soda glass a shove  
And discusses local option with the South Calina gov.;  
It is useless at the fountains to be winkful of the eye,  
For the cocktail glass is dusty and the South is going dry.

It is water, water everywhere—and not a drop to drink!  
We no longer hear the music of the mellow crystal clink  
When the Colonel and the Major and the Gen'l and the Jedge  
Meet to have a little nip to give their appetites an edge,  
For the eggnogg now is noggless and the rye has gone awry  
And the punch bowl holds carnations—and the South is going dry.

All the nightcaps now have tassels and are worn upon the head—

Not the nightcaps that were taken when nobody went to bed;  
And the breeze above the blue grass is as solemn as is death,  
For it bears no pungent clove-tang on its odorific breath;  
And each man can walk a chalkline when the stars are in the sky,

For the fizz glass now is fizzless and the South is going dry.

Lay the jest about the julep 'neath the chestnut tree at last,  
For there's but one kind of moonshine, and the olden days are past;

Now the water wagon rumbles through the southland on its trip

And it helps no one to drop off to pick up the driver's whip,  
For the mintbeds make a pasture and the corkscrew hangeth high—

All is still along the stillside, and the South is going dry.

—Wilbur D. Nesbit.



**OFFICE OF DAIRY AND FOOD COMMISSIONER.**

Columbus, Ohio, June 29, 1909.

*To the Druggists and Others Concerned:*

Investigations by this department show that the following subjects demand your attention:

## SPIRITS OF ETHER.

*Hoffmann's Anodyne.*

There seems to be some difference of opinion among the trade as to what should be delivered when Hoffmann's Anodyne is called for.

In view of the fact that this is the synonym recognized by the United States and National Dispensatories for Compound Spirit of Ether, and was also applied in the same way by the United States Pharmacopoeia as long as that work continued to print the synonym, this meaning of the term will be in future recognized by this department.

Druggists are therefore notified that sales under the name or label "Hoffmann's Anodyne," the official Compound Spirit of Ether, should be dispensed.

*Hoffmann's Drops.*

The above title is recognized by this department as applying properly to the simple Spirit of Ether of the United States Pharmacopoeia.

## SWEET SPIRIT OF NITRE.

Your attention is again called to the importance of keeping this product in accordance with the provision laid down in the 8th Edition of the U. S. P., which directs that it will keep in small, well stoppered, dark amber colored vials, in a cool place, remote from light or fire.

## TINCTURE OF FERRIC CHLORIDE.

The Pharmacopoeia directs that this be kept in glass stoppered bottles, protected from light, the chemical action of which occasions reduction from a ferric to a ferrous salt. In many cases the reduction is so marked that the tincture practically contains only ferrous iron. The necessity for the observance of these precautions is more important to-day than it was years ago, as this product remains on hand a much longer period.

## TINCTURE OF IODINE.

For good and sufficient reasons, the Committee on Revision of the Pharmacopoeia, in the 8th Revision, provided that this tincture shall contain 7 per cent of Iodine and 5 per cent of Iodide of Potassium. A few druggists continue to sell and dispense a preparation that contains no Iodide of Potassium, or an insufficient amount. From this date the department will regard this omission as a deliberate adulteration and the guilty will be dealt with according to law.

## BAY RUM.

This is not official in the 8th Edition of the U. S. P., but the standard therefor in Ohio is laid down in the Appendix to the 3rd Edition of the National Formulary and also in the 7th Edition of the U. S. P., the National and U. S. Dispensatories, and should contain about 57.34 per cent of alcohol.

Concentrated preparations are put on the market by various pharmaceutical houses, with directions for its use in preparing Bay Rum with dilute alcohol. When thus made the finished product will be materially deficient in alcohol, and below the lawful standard.

It is therefore recommended that the standard process be exclusively followed, by using a menstruum of 1220 c. c. of alcohol to 762 c. c. of water instead of equal parts of alcohol and water. The department is instituting suits against parties who are selling Bay Rum with a low percentage of alcohol. The law was enacted for the protection of the public and the formulas for the guidance of the dispenser.

## SOLUTION OF HYDROGEN DIOXIDE.

It seems to be the custom of many dealers to buy this preparation in large containers for dispensing purposes. Investigations show that in too many instances it is sold in small quantities at a time, from the original container, until it is all disposed of. By thus exposing to the air and frequent agitation, deterioration is hastened. This is gross negligence and should be discontinued.

When the solution is purchased in large containers, it should be transferred to smaller (preferably dark) bottles and kept in a cool place.

## LIME WATER.

This is unstable when dispensed from large containers, which may require months to empty. By frequent opening and exposure to the air it absorbs carbon dioxide. The

U. S. Dispensatory recommends the addition of an extra quantity of lime, but even if this is done and it is not carefully handled it will deteriorate. A good plan is to put it up in glass stoppered bottles of not over one-half gallon capacity, keeping but one package on the dispensing shelf and the remainder in a cool place.

## USE OF HYDRANT WATER IN DISPENSING.

Pharmacists are frequently reported to be using hydrant or well water in cases where distilled water is required by the pharmacopoeia as one of the diluents. This practice is strongly condemned.

## ALCOHOL.

Druggists, in former years, to some extent used wood alcohol, under such names as "Eagle Spirit" and "Columbia Spirit," being assured by the manufacturers and their agents that the same could be used in medicinal preparations intended for external application only. The Pharmacopoeia recognizes but one alcohol, Ethylic or Grain Alcohol, for use in its preparations.

While speaking of this, attention is directed to the fact that the alcohol of the present Pharmacopoeia is practically identical with the "Cologne Spirit" of the old Pharmacopoeia, and is the product which the pharmacist is required to use in preparing pharmacopoeial products.

The Ohio Law now prohibits the use of wood or methyl alcohol, in any medicinal preparation, whether it is a U. S. P. or National Formulary preparation, or any patent or proprietary preparation, whether for man or beast, or for internal or external use.

## AMMONIA WATER.

This solution is frequently purchased in large carboys, and druggists fill their shelf or dispensing bottles from this as needed, taking no precaution to seal the carboy, in consequence of which there is a rapid deterioration. It would be much better to transfer the contents of the carboy to either glass or rubber stoppered bottles (glass stoppered preferred) the capacity of which should not be greater than one gallon, and kept in a cool place.

## MISBRANDING OF PATENTS OR PROPRIETARIES.

A number of preparations on the market are misbranded within the meaning of the Ohio Law. This is due largely to the dealers' negligence. Many dealers have gone over their stock in a thorough and systematic manner, secured the necessary information and affixed to packages requiring it the necessary stickers or labeling. All dealers having any of these goods on hand should see to it that the labeling is corrected, in accordance with the requirements given below.

## RETAIL PACKAGES.

The principal labeling required on preparations (other than U. S. P., N. F., and physicians' prescriptions) is that requiring:

1st. The quantity or proportion of alcohol, morphine, opium, cocaine, alpha or beta eucaine, heroine, chloroform, cannabis indica, chlora hydrate, acetanilide or any derivative or preparation of any such substance contained therein to be plainly stated on the label.

2d. That no statement, design, or device regarding it or its ingredients or the substances contained therein, which is false or misleading in any particular, shall be stated on the label or package.

These features of the law are intended to and do cover all packages whether sold at wholesale or retail, and dealers selling goods in packages smaller than the original packages in which they are received should see that the law is complied with as to such retail packages, so that the purchaser who is to use the preparation may have the labeling required by law, before him and have the information the law contemplated he should have.

The amended law requires all drugs containing alcohol, morphine, etc., to have the quantity or proportion therein stated on the label. Many labels have been found which read as follows: "Contains not more than 50 per cent alcohol." Such labeling is incorrect. The label should state a definite amount.

Yours very truly,

RENICK W. DUNLAP, Commissioner.

We have on file at our office certified copies of all the new state food laws enacted during the recent sessions of state legislatures. Our subscribers are welcome to their use.



**STANDARDS DECLARED UNCONSTITUTIONAL.**

United States v. St. Louis Coffee and Spice Mills—In the district court of the United States for the eastern division of the eastern judicial district of Missouri.

Dyer, Judge:

Since the adjournment of court on yesterday, I have considered more fully the demurrer interposed by the defendant's counsel to the case as stated in the two counts of the information and the evidence offered by the government in support thereof.

This is the first case arising under the act of June 30, 1906, entitled "An act for preventing the manufacture, sale or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines and liquors, and for regulating traffic therein, and for other purposes," that has been presented to this court for determination.

For a violation of this statute penalties are imposed and it is made the duty of the United States attorney, when the Secretary of agriculture shall report to him any violation of the act, to cause appropriate proceedings to be commenced and prosecuted without delay, for the enforcement of the penalties, etc.

The secretary reported this defendant to the district attorney and as a result the information now under consideration was filed in this court.

The proceeding is for a violation of the statute that imposes penalties, and by its terms declares each violation a misdemeanor. The information therefore should be as certain and definite as if the offense were charged in an indictment.

Judging by the well recognized requirement of pleading in such cases, do the counts or either of them state clearly and sufficient certainty any offense against the statute under which the proceeding was commenced and is now prosecuted?

The importance of and the great good to the public that will follow the enforcement of this act can hardly be measured, and the delay taken by the order of adjournment yesterday was for the purpose of enabling the court to determine (with proper regard to the contention of the district attorney on the one side and of defendant's attorneys on the other) its decision.

The first count in the information charges in substance "that by circular No. 19 of the United States department of agriculture, dated June 26th, 1906, the secretary established certain standards of purity for food products as authorized by an act of congress of March 3, 1903. That said order No. 19 provided that "Vanilla extract is a flavoring extract prepared from vanilla beans, etc." The court then states "that in trade and commerce and the science of food chemistry, the words 'vanilla extract' signify an extract prepared from the 'Vanilla bean, etc., etc.', and in trade and commerce the words 'vanilla extract' are synonymous with the words 'vanilla flavor' when placed on bottles containing a liquid to be used for flavoring purposes.

The information (after making the foregoing recitals) charges that the defendant on the 26th of October, 1907, unlawfully and knowingly shipped by the Missouri-Pacific railroad from St. Louis, Mo., to Kansas City, for sale in interstate commerce, a certain bottle labeled "Nectar Choice Flavor of Vanilla, sugar colored for flavoring ice cream, etc." That the contents of the bottle were adulterated in violation of the act of June, 1906, in that said bottle contained a liquid which did not contain any extract of vanilla as defined by the circular No. 19, and by the usages of trade and commerce and was in fact an imitation and substitute therefor, etc.

By the word "adulteration" as used in the act it is understood to mean "to corrupt, debase or make impure by an admixture of a foreign or a baser substance." How can it be successfully claimed that because the liquid in the bottle offered in evidence did not contain extract of vanilla, that it was therefore adulterated within the meaning of the statute?

The circular No. 19 issued by the secretary of agriculture was issued long before the enactment of the statute under which this proceeding is had, and for that reason, if for no other, cannot be considered in determining the question of the guilt or innocence of the defendant in this case.

By section 2 of the act of June 30, 1906, it is made an offense to introduce into any state, etc., any food or drugs adulterated or misbranded.

The first count charges that the bottle sent from St. Louis to Kansas City contained "adulterated liquid extract or flavor." It also charges that the liquid did not contain any extract from the "vanilla bean," but did have a vanilla flavor.

The court is now asked to say that "Vanilla Extract" and "Vanilla Flavor," as known to the trade, is one and the same

thing, and that in dealing with the defendant in this case "extract" and "flavor" are synonymous in meaning, and that therefore if the defendant shipped a liquid which had the flavor of vanilla it was guilty of adulteration of the extract of vanilla, within the meaning of the statute.

Neither the secretary of agriculture nor the public generally can change the meaning of the words "extract" and "flavor." Without reference to the dictionaries and the definition of the words contained therein, it is known that "extract" is one thing and "flavor" another.

The evidence in this case has failed to convince the court that even among dealers the words "extract" and "flavor" are considered synonymous terms.

The information charges that there was an adulteration of the article, but fails to state in what particular and how it was adulterated. It states a conclusion without making averments from which the conclusion could be fairly reached.

Section 7 of the act provides that an article shall be deemed to be adulterated when,

"In case of food:

"First: If it be an imitation of or offered for sale under the distinctive name of another article.

"Second: If it be labeled so or branded as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or if its contents of the package as originally put up shall have been removed in whole or in part, and other contents shall have been placed in such package, or if it fail to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative or preparation of any such substances contained therein.

"Third: If in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package.

"Fourth: If the package containing it or its label shall bear any statement, design or device regarding the ingredients or the substances contained therein, which statement, design or device shall be false or misleading in any particular: provided that any article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded, etc."

The information fails to charge that the article sold and delivered to the grocer in Kansas was mixed or packed in such a manner as to reduce or lower or injuriously affect its quality or strength, nor does it charge that any substance was substituted for the article; nor does it charge that any valuable constituent was abstracted; nor does it charge that the article was colored in a manner whereby inferiority was concealed; nor does it charge that the article contained any added poisonous or other deleterious ingredient that would render it injurious to health.

It would seem that one or more of these things should be specifically charged in the information, and that the charge should be made with such particularity as to fairly inform the defendant of the act of violation complained of, and for which it is to answer.

The conclusion reached by the court is that the first count does not sufficiently charge an offense under the statute and that the evidence offered by the government does not aid the defect.

The second count is similar in all respects to the first, as far as recitals are concerned.

This count seeks to charge "misbranding" under section 8 of the act.

That section is as follows:

"Section 8. That the term 'misbranded' as used herein shall apply to all drugs, or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein, which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the state, territory or country in which it is manufactured or produced."

This count charges that the bottles were "misbranded" in violation of the act of Congress of June 30, 1906, in this, to-wit:

"That said bottle contained a liquid in which there was no extract of vanilla as defined by the said circular No. 19 of said department of agriculture, and by the usages of trade and commerce, and which was sold as and for vanilla flavor or vanilla extract, as these terms are understood in trade and commerce, but which was in fact an imitation thereof and a substitute therefor, and the contents of which bottle was artificially colored to make it resemble vanilla extract of the



standard established by the secretary of agriculture, and the usages of trade and commerce, and the science of food chemistry, whereby its inferiority was concealed, and was labeled as above set out to deceive and mislead the purchaser."

It will thus be seen that this count does not follow the words of the statute in charging the offense, but repeats the facts contained in the first count.

The charge in this, as in the first count, should be specific enough to fairly inform the defendant of the charge it is to meet. In my opinion this count is insufficient.

There is nothing left for the court to do under this information but to direct the jury to return a verdict for the defendant in this case of not guilty.

Saint Louis, May 22d, 1909.

**BRIEF FILED WITH THE SOLICITOR  
GENERAL BY THE HON.  
JOSEPH H. CHOATE,**

IN CLOSING THE HEARING IN THE CONTROVERSY AS TO WHAT IS  
WHISKY.

MAY 18, 1909.

MY DEAR SOLICITOR GENERAL:

I am greatly indebted to you for your kindness in giving me until tomorrow to hand in a brief to supplement my imperfect remarks on the argument. Of course it is not possible for me to elaborate anything, but it occurs to me that the following suggestions may be of assistance, as they are based upon the testimony:

The evidence establishes conclusively that the article known as "neutral spirits," produced from grain, has been bought, sold and consumed in large quantities in this country as "whisky," and that unmixed with any other distilled spirit, or with any other flavoring substances whatever, it has been recognized by consumers, both in its white condition and after it has been colored, as possessing that distinctive odor and taste which such consumers recognize as "whisky." It is also conclusively proved that, at and prior to the passage of the Pure Food Bill, it was for many years called "whisky" by manufacturers, the trade and consumers throughout the United States.

The use of the words "low wines," "high wines," or "spirits," whether called "neutral spirits" or "cologne spirits," is more or less misleading. These are but terms used among the trade to apply to the raw material; and the terms used among the trade to apply to the raw material; and the term "neutral spirits" only came into general use with the trade after rectifying distillers commenced to produce upon their premises as refined a distilled spirit from grain as had previously been produced upon the premises of the rectifier alone, prior to the passage of the law permitting such a distilled spirit to be produced upon the premises of a distiller. Thereafter, rectifiers who wished to buy an article from the distiller, instead of producing it upon their own premises, were required to use a term which would distinguish such refined distilled spirits produced by rectification and redistillation by the continuous process, from the unrefined distilled spirits which were commonly known as "high wines."

When this process of rectification and redistillation was carried on, as it was originally, upon the premises of the rectifier, the rectifiers ordered "high wines," and then rectified and redistilled them, thus producing their own "neutral spirits," which they then reduced and colored, making the commercial whisky of that day.

After the enactment of the law permitting this refinement or rectification to take place upon the premises of a distiller, the use of the term "high wines" commenced to fall into innocuous desuetude, and the rectifiers would then order from the distillers the high proof article under the term "spirits" and sometimes the same article reduced to proof under the name "spirits," when they did not have facilities for reducing it themselves, or for any other reason. The use of this term "spirits," even as applied to the high proof reduced to proof, but uncolored, does not militate against their being in fact whisky, because "spirits" are whisky if produced from grain and of the proper alcoholic strength, and the two terms are frequently held interchangeably and perhaps more in England than in the United States.

After the establishment of the continuous process by law, those distillers who produce only high wines, finally their market for high wines falling off, reduced their high wines to proof upon their own premises, put them into charred packages, and they became the straight whisky, and were salable to consumers to some extent after the extractive matters from the charred wood had sufficient swamped or killed the flavor due to the large percentage of "congeners" so called, but

never before. The vast majority of this kind of whisky, however, found its way to consumers only after admixture with larger quantities of the more refined whisky.

If the public was told that straight whisky is made by reducing the high wines either by the addition of pure water in the receiving cistern of the distiller or by the addition of impure water (the feints), and that such an article is subsequently colored and flavored by the barrel charring process, they will see that there is no force in the contention which Dr. Wiley and the straight whisky people have been seeking to establish against the more refined distilled spirits (neutral spirits).

While the evidence indicates that, as known to consumers, the great majority of all whiskies possesses a distinctive odor and taste due to added matters rather than to congeners, it is clearly established by the evidence that the more highly refined distilled spirits from grain, commonly referred to at high proof as "neutral spirits," is not merely ethyl alcohol, or ethyl alcohol and water, but that they do possess appreciable and measurable quantities of all the congeners, and that they are susceptible of improvement upon aging, in so far as such improvement is due either to extracting matter from the container or to the increase in the acids, the esters and other congeners other than the higher alcohols usually referred to as "fusel oil." It is generally conceded that there is no appreciable change in the fusel oils during storage and that they remain substantially the same, whether the amount to start with is large or small.

As to neutral spirits being different from mere ethyl alcohol and possessing appreciable and measurable quantities of all the congeners, reference may be made to Prof. Remington's testimony about "perfumers' alcohol," which was something more nearly ethyl alcohol than neutral spirits are, and that manufacturers of perfumes could not use neutral spirits to so great an advantage because of the very presence of these congeners; see also, Tolman's analyses and the testimony of Dr. Herman, who was connected with the Wilson Distilling Company's plant for making gin, showing that they bought neutral spirits and still further rectified them in order that the flavor of the juniper berry and other flavoring material used in producing gin might not be affected by the fusel oil congeners in the neutral spirits.

During this testimony, Dr. Wiley tried to make it appear that these neutral spirits were not in fact neutral spirits, but were high wines; but he did this by misreading the figures of the analyses submitted by Dr. Herman; that is, by shifting the decimal point; the figures as stated by Dr. Herman being 0.0357, whereas, Dr. Wiley read it 0.357 (see pages 1954 and 1959 of the testimony).

The term "neutral spirits" is not used in Canada, for the reason that such refined distilled spirits are seldom, if ever, shipped in the high proof form, but it is clearly established by the evidence that distilled spirits produced in Canada by processes which so refine it that it does not contain any more of the congeners than are contained in the so-called "neutral spirits" as produced in the United States, have been and are today being bought, sold, consumed and recognized by the consumer as "whisky," both colored and uncolored, and without the addition of any other flavoring matter whatever.

Inasmuch as the real controversy is whether the so-called neutral spirits from grain are, or are not, in fact whisky, when made of the proper potable alcoholic strength, the finding of your Honor should be that neutral spirits from grain, when reduced to the proper alcoholic strength, are in fact whisky, and that, according to popular estimation, they are better entitled to the name whisky than "high wines" reduced to the proper alcoholic strength which became the so-called straight whiskies. There is a popular impression, more or less natural, that the addition of water to a substance should not change its name. Advantage has been taken of this fact by the advocates of straight whisky to create a false impression upon the public with reference to the real controversy at issue, and some portion of the public, therefore, may have been duped into thinking that it is a fraud to add water to something which should be called "neutral spirits," and then, by coloring it, to call it "whiskey." But the public is equally ignorant as to how straight whisky is made, and if a department of the government had been as studious in advising them that straight whisky was made by taking high wines, reducing them to proof by the addition of water, and then adding more colors and flavors objectionable (from a hygienic standpoint), and that such whisky contained all the fusel oil, though covered up or concealed, which they had always been led to believe had been eliminated by some process or other, the public would have regarded that as even a greater fraud



than some part of the public have been led to believe with reference to the neutral spirits.

The ruling, whatever it may be with reference to neutral spirits, will unquestionably be applied to all other distilled spirits from grain which have been rectified. If your finding should be that neutral spirits, or a distilled spirits from grain equally refined, is not in fact whisky, even though it has been bought, sold, consumed and regarded by the consuming public as whisky, and was and had been, for years before the passage of the Pure Food Law, called whisky by manufacturers, by the trade and by consumers, an invitation will thus be extended to the Pure Food Department of the Federal Government, as well as to the Pure Food Department of the respective states of the Union and to over-zealous officials everywhere, to submit this question of fact to a jury in the case of each sale or shipment, and they may feel justified, under such a ruling, to take such action; and we may have a jury holding in one section of the United States that a particular article is not whisky, when, in another section of the United States, another jury may hold that the same identical article is a whisky. The result in each case, depending largely upon the financial ability of the individual whose goods are attacked, and his willingness to meet the enormous expenses incident to the presentation of all the necessary facts to the jury.

There can be but one inevitable result of such a ruling, and that is the ultimate destruction of all the property invested in machinery for producing the refined distilled spirit and the final dismantlement of such distilling apparatus.

It is respectfully submitted that no question of public policy, public health or public morals can justify a ruling which would lead to such results, especially in the face of evidence that the most highly refined distilled spirits from grain as commercially produced for beverage purposes have been for many years openly and knowingly manufactured, bought and sold as whisky, and recognized by the consuming public as possessing the distinctive odor and taste of whisky.

Your honor will not forget the Congressional Debates in 1880, when so-called straight whisky was given an allowance for evaporation during storage on the sole ground that the neutral spirits was whisky with which it had to compete and which had received such a similar allowance.

All distilled spirits from grain as commercially produced for beverage purposes of the proper potable alcoholic strength, are, in fact, whisky.

The Solicitor General's constant inquiries to the witnesses produced by Dr. Wiley, where they could draw the line in the degree of distillation of spirits produced from grain, up to which it should be called whisky and beyond which it should cease to be called whisky, never received any answer, and that was because it was impossible to answer it or to draw such a line, as Professor Chandler, the most distinguished of American chemists, whose opinion has been generally accepted as conclusive authority, declared upon the witness stand.

The question to be answered is that propounded as Question Number 1 in the executive order under which this hearing before the Solicitor General is had, and I respectfully submit that it admits of but one answer—not a chemical answer, nor an answer based upon processes or degrees of fermentation or distillation, or time effects, whether in a charred barrel or not, or coloring or flavoring, but simply of an answer to the practical question of fact which the President evidently had in mind in framing Interrogatory 1; What was the article called "whisky" by manufacturers, the trade and consumers at and before the passage of the Pure Food Law? Had the collectors of internal revenue, the whole Ohio Valley, and, in fact, all the people of the United States, except the straight whisky men, been deceiving themselves and deceiving each other when they called spirits distilled from grain and reduced to a potable strength "whisky" and nothing else?

I do not see how, upon the evidence, it is possible to answer this Question Number 1 in any other way than that which we insist upon, for, if you treat it as a question of evidence, the evidence is overwhelming that spirits distilled from grain of potable strength were called whisky by all the parties referred to in the interrogatory.

I earnestly submit that this disposition of this first question will practically settle the whisky controversy which has now been raging for more than two years, and will settle it in accordance with truth and justice and the evidence in this case, just as the answer to substantially the same question by the Royal Commission, on evidence substantially the same, appears to have settled the question for all time in England.

I am greatly indebted to you for this opportunity of adding

a word to my oral argument, which the limits of time did not permit me to extend further.

I am, with great respect,

Most truly yours,

JOSEPH H. CHOATE.

Hon. Lloyd W. Bowers, Dept. of Justice, Washington, D. C.

### THE CRIMES OF THE TONGUE.

William George Jordan in the Midland Druggist and Pharmaceutical Review discourses on the following subject in interesting and truthful vein:

"The second most deadly instrument of destruction is," he says, "the dynamite gun—the first is the human tongue. The gun merely kills bodies; the tongue kills reputation and, oft-times, ruins characters. Each gun works alone; each loaded tongue has a hundred accomplices. The havoc of the gun is visible at once. The full evil of the tongue lives through all the years; even the eye of Omniscience might grow tired in tracing it to its finality."

In London they have recently formed an Anti-Scandal League. The members promise to combat in every way in their power the "prevalent custom of talking scandal, the terrible and unending consequences of which are not generally estimated."

For this craze for scandal, sensational newspapers of today are largely responsible. Each newspaper is not one tongue, but a thousand or a million tongues, telling the same foul story to as many pairs of listening ears. The vultures of sensationalism scent the carcass of immorality afar off. From the uttermost parts of the earth they collect the sin, disgrace and folly of humanity, and show them bare to the world. They do not even require *facts*, for morbid memories and fertile imaginations make even the worst of the world's happenings seem tame when compared with their monstrosities of invention. These stories, and the discussions they excite, develop in readers a cheap, shrewd power to distortion of the acts of all around them.

### KANSAS FOOD AUTHORITIES AFTER BAD BANANAS.

Topeka, Kan., June 26.—There has been considerable complaint having been filed with the Kansas food officials about decayed bananas being placed on the Kansas market and the state board of health secured from Attorney General Jackson the following opinion regarding this infraction of the pure food laws by dealers:

"Answering your oral inquiry concerning the sale of bananas on bunches, a part of the bananas on which bunches is decomposed, permit me to say that section 2 of chapter 134 of the session laws of 1909 defines all vegetable food substances that are in whole or in part, decomposed, tainted, filthy or putrid as adulterated, and their sale is prohibited by section 2 of chapter 266 of the session laws of 1907.

"Bananas on bunches cannot be sold when a part of the bananas are in this condition. If the owner of bananas in this condition desires to sell the bananas on the bunch that are good he must separate the spoiled bananas from those that are good and sell only the good ones; otherwise he commits a crime for which he can be prosecuted."

John Kleinhans, state food inspector of Kansas, filed at Wichita, Kan., suit in the United States court against an eastern manufacturing firm for violation of the pure food act, as exhibited in a "pure cider vinegar" seizure.

There were seventy-eight casks of this vinegar shipped to a Wichita concern, which was found to be highly adulterated. The Wichita firm refused to accept it, and notice of the affair coming to the attention of the department, an analysis was made and suit filed recently in the office of United States Commissioner J. F. Shearman.

### HOT WEATHER DON'TS.

Don't fret—it will only make you warmer.

Don't scold—it will sour your sweetness.

Don't eat too much—you will live longer and it will cost less.

Don't drink ice-cold water—the reaction will make you feel hotter and delay digestion.

Don't buy foodstuffs which have been a roosting or feasting place for flies—you may become infected with a dangerous disease.—Kansas Bulletin for June.



# Meat Inspection Service Vindicated

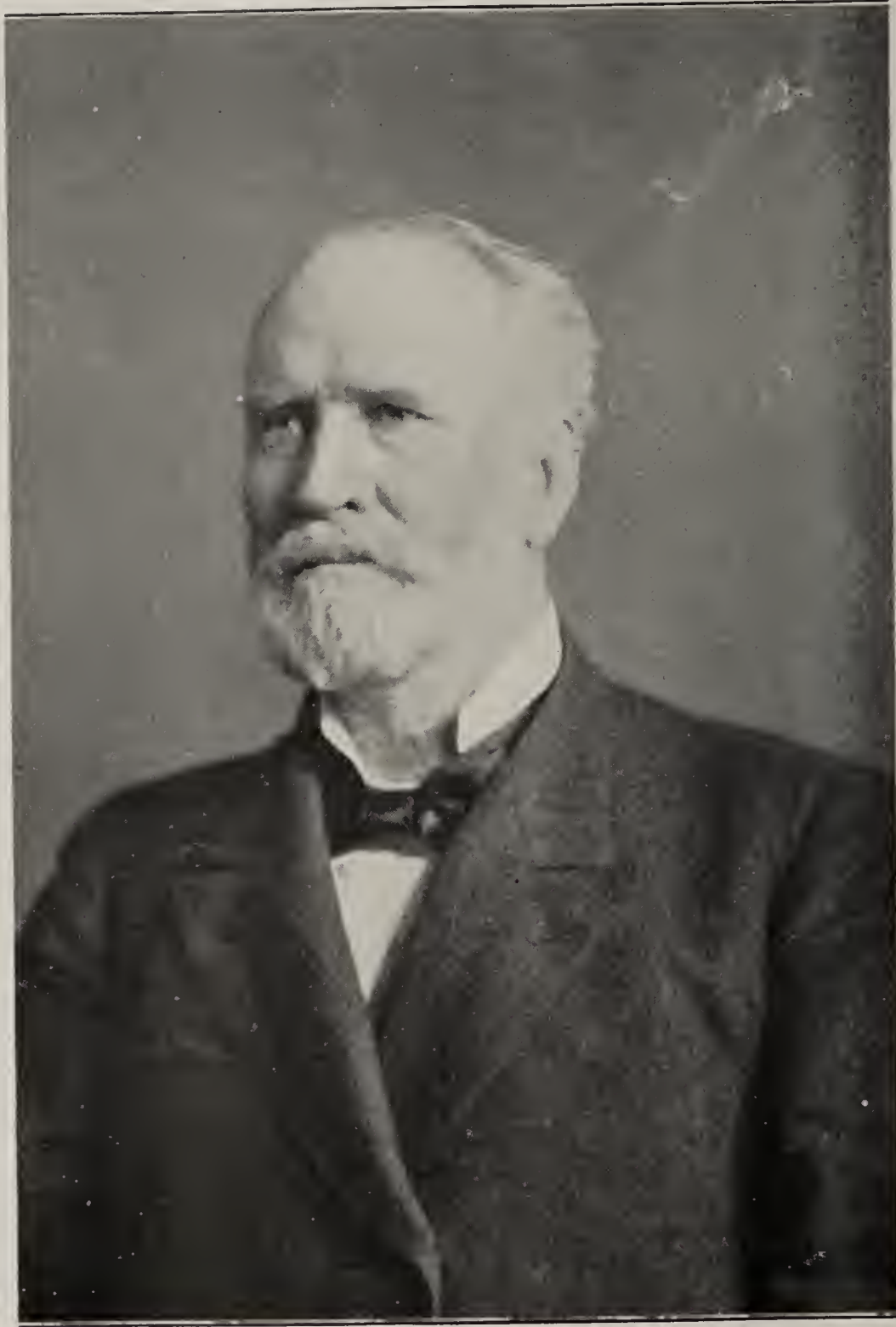
## REPORT OF COMMITTEE ON CHARGES OF HARMS AGAINST THE MEAT-INSPECTION SERVICE.

The committee appointed to investigate the charges made against the meat-inspection service by J. F. Harms, referring especially to the East St. Louis station, has made its report to the Secretary of Agriculture. The secretary has approved

Industry absolutely destroyed for food purposes 383,187 carcasses of food animals in their entirety.

During the same period the inspectors also condemned and utterly destroyed for food purposes 73,369,047 pounds of meat and meat food products.

The 383,187 carcasses were all destroyed for food purposes because of their diseased condition, which, in the opinion of the inspectors, rendered them unfit for food purposes. Of the



HON. JAMES WILSON,  
Secretary of Agriculture.

the report, and has ordered the summary dismissal of Meat Inspectors Harms and Bischof and Veterinary Inspector Michael. The report is given in full herewith.  
*The Honorable the Secretary of Agriculture.*

Sir: One J. F. Harms, formerly a meat inspector at East St. Louis, Ill., on June 8 of this year, charged, in an open letter addressed to you, that the federal meat-inspection service throughout the United States was "rotten" and a farce.

The complete answer to this charge is found in the records of the Bureau of Animal Industry, which show that between July 1, 1906, when the meat-inspection law went into operation, and December 31, 1908, inspectors of the Bureau of Animal

total number 77,780 were cattle, 13,820 were calves, 23,298 were sheep, 114 were goats, and 268,175 were swine.

Of the 73 million pounds of meat and meat food products destroyed for food purposes, more than 12½ million pounds were destroyed because they were sour; 4¼ million pounds because they were tainted; 2½ million pounds because they were putrid; more than 25 million pounds because they were unclean; more than 14 million pounds (fats) because they were rancid; and the remainder, amounting to about 15 million pounds, because of conditions other than those named which rendered the meat unsound, unhealthful, unwholesome, or otherwise unfit for human food.



This enormous destruction of food shows conclusively that there is no collusion between those in charge of the enforcement of the law and the packers, and that the meat-inspection law is being enforced to the limit.

In the same letter Mr. Harms also made specific charges against the meat-inspection service at East St. Louis, Ill.

On June 13 last Dr. A. D. Melvin, Chief of the Bureau of Animal Industry, and Mr. George P. McCabe, Solicitor of the Department, left for East St. Louis as a committee to investigate these charges.

On the same day Dr. R. P. Steddom, chief of the Inspection Division of the Bureau of Animal Industry, departed for Fremont, Ohio, to bring Mr. Harms to East St. Louis for the purposes of the investigation. Doctor Steddom carried to Mr. Harms a letter from Acting Secretary Hays. In this letter Mr. Harms was told that the department accepted the proposition made by Mr. Harms in his letter of June 8 addressed to the Secretary of Agriculture, in which he asked for a fair and impartial investigation of his charges. Mr. Harms had stated in this letter that veterinary inspectors, meat inspectors, and inspectors' assistants would corroborate his statements regarding the condition of the meat-inspection service at East St. Louis. Mr. Harms was further told in this letter that Doctor Steddom would ask for the names of the employees on whom Mr. Harms relied to corroborate his charges, and the assurance was given that no employee at the East St. Louis station would in any way jeopardize his position by stating at the investigation frankly and truly what he knew of the prevailing practices. Doctor Steddom proceeded to Fremont, Ohio, and after waiting for two days met Mr. Harms and secured the list of witnesses on whom Mr. Harms relied for corroboration of his charges. The committee arrived in St. Louis on June 14, and Doctor Steddom arrived with Mr. Harms on June 17. Upon arrival, Mr. Harms went with Doctor Steddom to the Southern Hotel in St. Louis, but immediately excused himself and proceeded to the office of one of the St. Louis newspapers, where he was engaged for some time. Mr. Harms then returned to the Southern Hotel accompanied by a reporter of the paper referred to and reported to Doctor Steddom. Here it should be stated that Mr. Harms's open letter to the secretary was published in the St. Louis paper referred to exclusively two days after the date on which Mr. Harms mailed the letter to the Secretary of Agriculture.

Your committee, accompanied by Doctor Steddom, and Dr. A. E. Behnke, associate chief of the Inspection Division, and Dr. George Detewig, traveling inspector, by Mr. Harms, and by the reporter, then left for East St. Louis and proceeded to the office of the secretary of the Live Stock Exchange, who previously had offered the use of his office for the purposes of the investigation. The committee then informed Mr. Harms that the Secretary of Agriculture had instructed Doctor Melvin and Mr. McCabe to afford Harms an opportunity for the investigation of the alleged conditions at East St. Louis. Mr. Harms was advised, in accordance with the direction of the secretary, that every opportunity would be given him to prove the existence of the conditions described in his letter, and also any other practices in the meat-inspection service which, in his opinion, were not in accordance with the regulations. He was told that it was the desire of the department to conduct a full, fair, and complete investigation and that every opportunity would be given him to produce any witnesses whom he desired to attend. He was also advised that the committee would use every effort to get at the facts. It was then announced that it was not deemed desirable to hold a public meeting and the reporter for the St. Louis paper was requested to retire from the room. Mr. Harms then stated that if the investigation was not to be open to the members of the press he would not participate therein, whereupon he was told that it was contrary to the policy of the department to conduct investigations in a public manner, because it had been found that such a method was not productive of all the facts, the inquiry being similar to a grand jury probe. Mr. Harms was assured that each morning he would be supplied with a complete transcript of the previous day's proceedings. He still persisted in his refusal to participate in any investigation which was not public, and withdrew from the room in company with the reporter. Mr. Harms then went immediately to the establishment of Armour & Co., where he had an interview with Meat Inspector Julius Bischof. This man's connection with the investigation will be disclosed in the course of the report.

The committee then proceeded with the investigation, examining every witness named by Mr. Harms to Doctor Steddom, as likely to substantiate his charges. Also every other employee on the force who is connected with the meat-inspection work was examined, and each and every witness was assured

that the exact truths were wanted, without any bias or any fear; that he would be absolutely protected by the department; and that no true statement would be used against him in any way, no matter whom it hurt or whom it helped.

In all Mr. Harms had named some twenty witnesses. Of these, all but two failed to corroborate his charges in any particular, and the testimony of these two—Meat Inspector Julius Bischof and Veterinary Inspector Leo B. Michael—appeared to corroborate some of Harms's charges in one or two particulars. But upon investigation the testimony of these witnesses was found absolutely false, and the committee recommends the summary dismissal of the two men. Their stories were evidently prompted by personal spite against the inspector in charge, who had had occasion to discipline them both for gross neglect of duty, the circumstances of which are as follows:

In the month of April Julius Bischof was reported to Washington by Doctor Clancy, inspector in charge, upon the complaint of Doctor Meadors, assistant inspector in charge, for allowing dirty fats to be removed from his department. It was owing to the vigilance of another employee of the department that these dirty fats were discovered and prevented from being used in foods. When the complaint against Mr. Bischof was received in Washington the secretary ordered his indefinite furlough without pay. After some seventeen days a letter was received from him promising to do better, and he was restored to the force and was told that any further inattention to duty would result in his dismissal.

Veterinary Inspector Michael had been late in reporting for duty several times during the course of his employment. He had at one time absented himself from his post before the work of the day was concluded and at another time he had absented himself from his duty for a period of seventeen days without any notice to his superiors that he would be absent or the cause therefor. Upon each of these occasions he had been reprimanded either by the inspector in charge or by his assistant, and he is evidently very much prejudiced against these men. In addition to the foregoing facts, Meat Inspector Bischof, while engaged in the meat business in Belleville, Ill., prior to his government employment, had incurred a comparatively large indebtedness to Swift & Co. and to Armour & Co. for meat furnished on account.

These bills were unpaid at the time Mr. Bischof entered the government service and the firms named pressed him for payment for months, finally appealing to the inspector in charge to compel Mr. Bischof to settle his bills. Several small payments from month to month were made by Mr. Bischof, and finally, in January, after months of urging upon the part of the packers and broken promises on the part of Bischof, the bills were settled in full. Mr. Bischof appeared to feel very much aggrieved because he had been made to pay these debts, and in the opinion of your committee this animus against certain packers, coupled with his recent suspension for neglect of duty and his friendship for Harms, explain the false and exaggerated testimony which he gave.

Mr. Bischof testified that upon one occasion he had seen a carload of spoiled pork trimmings used for sausage. This charge was shown to be false. He also testified regarding the condition of some cured pork, and the testimony showed that he had grossly exaggerated.

The reasons which prompted Harms to file his false charges are not difficult of explanation. The record of his previous employment, given by himself to the Civil Service Commission at the time he took the examination for the position of meat inspector, shows that of late years Mr. Harms has been of a roving and unsettled disposition, which prevents him from working long in any one position or locality. At the time of writing the letter he had been employed at East St. Louis for about eighteen months and shortly theretofore had applied for a transfer to Cleveland, Ohio, near his old home in Fremont, Ohio. This request was refused. Some erratic, nonsensical recommendations to his superiors had been disapproved, and he was plainly growing weary of the hard work which his superiors demanded of him, for he had asked the managers of the packing house to supply him with an armchair in which he might sit during the day. With this request the management of the packing house promptly complied and the armchair was provided. The inspector in charge at East St. Louis does not approve of government employees in packing houses performing their duties in armchairs, and upon making his objections known to Mr. Harms the inspector in charge was informed that Mr. Harms considered he could perform his duties well and faithfully from the chair. The inspector in charge could not see the wisdom of this course and immediately made arrangements to transfer



Mr. Harms from the important department in which he was employed to another department, where he could be kept under supervision. Mr. Harms then resigned and either wrote or caused to be written the letter which he signed and sent to the Secretary of Agriculture and of which he gave a copy to the St. Louis newspaper which published it exclusively on June 10.

A review of the testimony on the specific charges made by Harms is given later in this report and it shows conclusively that not one of his charges has any basis in fact. In some cases he selected incidents which actually happened and by gross exaggeration and false statements built upon these actual happenings until he had the stories given in his charges to the Secretary.

In the opinion of the committee, Mr. Harms, at the time he wrote the letter, did so because he was tired of the hard work of the service; he had been urged on by Mr. Bischof, who had a grudge against certain packers because they had compelled him to pay his honest debts and also a grudge against Doctors Clancy and Meadors, his official superiors, because, through them, he had been suspended for neglect of duty; further, Harms had secured employment from a collection agency in St. Louis, whose principal employe has been convicted of postal frauds in a federal court. Finally, Mr. Harms desired to vent his spleen and to injure the meat-inspection service because of the refusal of the Washington authorities to transfer him to Cleveland.

The open letter and the exclusive publication in the St. Louis newspaper were the result. What motive actuated Mr. Harms in giving this St. Louis paper an exclusive story the committee was not able to learn.

In brief, it is the opinion of the committee, and it is so reported to you, that the charges made by Mr. Harms are without foundation in fact and are untrue. They represent simply the spite of dissatisfied, disgruntled employes. Our investigation discloses beyond a doubt that the service at East St. Louis is in good shape; that the men are competent; that the packing houses are clean and sanitary; and that no meat receives the mark of government inspection which is not sound, healthful, wholesome, and fit for human food. This is what "U. S. Inspected and Passed" means at East St. Louis and what it means at all other hundreds of places where the federal meat-inspection service is maintained. During the past three years the Bureau of Animal Industry has found it necessary, for the good of the service, to discharge over 100 men for incompetency and for other causes. It has also been found necessary to discipline many more men for less serious faults, and it is not unreasonable to expect that some of these men will have charges against the service from which they have been incontinently expelled because of unworthiness.

As for Mr. Harms, he is a thoroughly discredited man, and we do not believe that the department should pay the slightest attention to any further charges made by him. He had his opportunity for investigation at East St. Louis, and he refused it. The investigation proceeded in his absence, and 18 of the 20 witnesses named by him to corroborate his charges utterly failed to do so, and the two who did corroborate him in part were biased, disgruntled employes, whose stories were proven by the testimony taken before the committee to be false. In the face of these facts a further investigation of charges made by Mr. Harms would be frivolous and unnecessary, especially in view of the fact that the committee has taken the testimony of each and every employe on the force, and even by the testimony of his own witnesses Mr. Harms is proven to be unreliable, disingenuous, and untruthful.

The committee recommends that the resignation of Mr. Harms be not accepted, and that he be discharged for cause.

#### CHARGES MADE BY MR. HARMS AND THE FACTS IN RELATION THERETO AS DISCLOSED BY THE TESTIMONY TAKEN BY DOCTOR MELVIN AND MR. McCABE.

##### GENERAL CHARGES.

- (1) The government inspectors in charge of departments are actually working overtime in the packers' interests. The packers control the inspectors in charge of the departments, who are giving to the packers animals that are unsound, unhealthful, unwholesome, and otherwise unfit for human food, including many that show tuberculosis, emaciation, or advanced pregnancy, and many that are in a dying condition.

The committee found absolutely no evidence to support this charge. The only employes who are in a position to pass

for food animals affected with the diseases mentioned are the veterinary inspectors. Every veterinary inspector on the force was examined by the committee and all, with the exception of Doctor Michael, testified that the regulations were strictly adhered to and that no animals unfit for human food from any cause were given to the packers, but that all such unfit animals were condemned and destroyed for food purposes under government supervision. Doctor Michael testified that upon one occasion over eighteen months ago his attention had been called to two animals in the gangway immediately outside the killing floor. He went out and examined the animals, according to his testimony, and found that they were dead but still warm. He returned to the killing floor and was asked by the killing boss for permission to bring the carcasses of the animals on to the killing floor in order to get at the tank where they were to be destroyed for food purposes. He testified that he gave this permission, that the animals were brought upon the killing floor, and that as they were being skinned, preparatory to placing them in the condemned tank, Doctor Meadors, the assistant inspector in charge, appeared on the floor; whereupon Doctor Michael told Doctor Meadors about finding the two dead animals and that he had been given permission for them to be brought upon the killing floor for the purpose above stated.

Doctor Michael testified that Doctor Meadors then examined the animals, and remarked that they had bled out well and that they should be passed for food. Doctor Meadors then instructed Doctor Michael, so the latter testifies, to pass the animals for food, and this was done. When confronted with this testimony, Doctor Meadors positively denied any such occurrence, and it was necessary to seek other testimony to get at the truth of the matter. Doctor Michael was asked to name some persons who could corroborate his testimony, and he named the killing boss and one government inspector to whom he said he had told of the occurrence about a year after it happened. The killing boss absolutely denied all knowledge of the occurrence, and the government inspector to whom Doctor Michael testified he had told of the occurrence stated that he had never heard of it. This alleged occurrence was first brought to the attention of the committee by Mr. Bischof, who said he had been told of it by Doctor Michael.

On examination, Doctor Michael stated that he had told Mr. Bischof of the occurrence some time after the committee had arrived in St. Louis to undertake the investigation. The committee visited the killing floor and gangway where the incident is alleged to have occurred and discovered that, on account of a steep incline over which it was necessary to drag the animals, it would be necessary to employ 15 or 20 men to drag the carcasses onto the killing floor. A careful examination of employes on the killing force disclosed that no such incident had ever occurred, and the committee is satisfied that Doctor Michael manufactured his story out of whole cloth in a desire to injure Doctor Meadors, who had upon several occasions reprimanded him for inattention to and neglect of duty. There was no veterinary inspector on the force who had ever been told of the occurrence, and even the one inspector whom Doctor Michael testified he had told of it denied positively that such was the fact. If the incident had occurred, Doctor Michael would have been seriously at fault for not reporting to the inspector in charge, Doctor Clancy, the alleged action of Doctor Meadors in passing the carcasses of dead animals for food. No such report was ever made.

##### (2) Meat inspection is rotten.

All of the employes examined testified that the meat inspection is most rigorous and thorough, and that no meat is marked "U. S. Inspected and Passed" which is not sound, healthful, wholesome, and fit for human food.

##### (3) The inspectors in charge have made agreements with the packers to ease up on the inspection.

It is needless to state that the only way in which the inspectors in charge could carry out such an agreement would be by instructions to the veterinary inspectors, in whose hands lie the disposition of animals. Each and every veterinary inspector and meat inspector on the force was examined on this point, and all testified that they had received no instructions to ease up on the inspection in violation of the regulations, but, on the contrary, that they had all been told time and again to adhere strictly to the regulations in making dispositions of animals.

##### (4) Inspectors in charge have made special arrangements with the packers to dispose of certain animals contrary to the regulations governing meat inspection.

There was absolutely no testimony to support this charge,



except the testimony of Doctor Michael on the incident discussed under charge 1. Every other inspector testified that no special arrangements had been made to dispose of animals contrary to the regulations, but, on the contrary, each animal was disposed of strictly in accordance with the regulations.

- (5) Word was passed from the inspector in charge to the inspectors doing the work on the floors that too many animals were being condemned and to change the grading.

The testimony of all the inspectors was a unit on this point. Not one of them had ever received word to change his grading and none of them had ever been told that too many animals were being condemned.

- (6) The packers are getting at the present time from 70 to 80 per cent of what ought to be condemned and destroyed.

Every employe examined testified that the packers are getting nothing at the present time and have not since the meat-inspection service was inaugurated got any product which, under the regulations, is required to be condemned and destroyed.

- (7) Men holding good positions with the packers see and know of the wrong practices and acknowledge that they are wrong.

With one exception, every employe examined testified that he knew of no case where men holding positions with the packers had discussed with them, or in their hearing, any alleged wrong practices under the regulations. The exception was Meat Inspector Julius Bischof, who related two alleged conversations with employes of the packers concerning certain pork trimmings which Mr. Bischof claimed were spoiled and were allowed to be used. Both of these employes were examined in Mr. Bischof's presence and each stated absolutely that no such conversation had ever occurred and that they had never known of any spoiled pork trimmings being used.

- (8) Many of the regulations are violated daily.

With the exception of Mr. Bischof, all of the employes testified that they knew of no regulations which were violated daily, generally, or even occasionally. Most of them seemed to feel that it was their duty to see that the regulations were not violated. They testified that they were doing their duty and they seemed to be proud of it.

- (9) It is the general practice in sausage departments to use bladders for casing without thoroughly washing and cleaning; to use filthy tripe in sausage; to use slimy hog stomachs for casings or containers; to use meats that have fallen on the floor without pretense of cleaning. All these practices are permitted by the inspectors in charge and if an inspector calls the attention of those in charge to these practices he is not encouraged.

No testimony was adduced to prove any of these charges. On the contrary, all the testimony was to the effect that none of these practices are tolerated or allowed. With the exception of Mr. Bischof, every man examined testified that he is encouraged to see that the regulations are strictly complied with by the packers, and a few inspectors testified that they had been reprimanded for not being more severe in the enforcement of the regulations.

#### SPECIFIC CHARGES

- (1) On April 1, 1909, Doctors Graham and Stingley retained and condemned 11 beef carcasses for emaciation. On April 2 Doctors Clancy and Meadors released 6 of said carcasses to the packers, and the other 5 were tanked and destroyed. One carcass was no better than another in this lot. This happened at Swift's establishment, No. 3C. On the morning of April 2 Mr. Brady, superintendent of Swift's beef department, said to Mr. Harms, in speaking of the 11 carcasses, "Yes; they are a bad lot and had I been on the floor last evening I would not have let them come down, but would have sent them to the tank."

Doctors Graham and Stingley were examined on this charge and each testified to the following facts:

On the day mentioned, during the process of the killing, Doctors Graham and Stingley caused 11 beef carcasses to be retained for further examination, for emaciation. There were no lesions of disease in any of the carcasses, the only question being whether the carcasses would furnish nutritious food. It is a regular practice of the inspectors, in accordance with the regulations, if any carcass is suspected for any reason to cause it to be retained in order that after the kill is over the inspectors may have time to make a leisurely, complete, and thorough examination. On the morning of April 2, Doctor

Graham examined the retained carcasses. He was in doubt as to what disposition should be made and he called upon Doctor Meadors, the assistant inspector in charge, for a conference.

Doctor Meadors and Doctor Graham agreed that 4 of the animals should be passed and 4 of the animals should be destroyed for food purposes, and they were unable to agree as to the disposition of 3 carcasses. They then called in Doctor Clancy, the inspector in charge, for a final decision, and Doctor Clancy decided that 5 of the carcasses should be passed and 6 should be condemned. This action was taken. The 5 carcasses were marked "U. S. Inspected and Passed" and the 6 carcasses were destroyed for food purposes, as shown by the official records of the station. Doctors Graham, Stingley, Meadors, and Clancy were all agreed as to the final disposition of the animals, and there was no conflict of opinion in



HON. GEO. P. MCCABE,  
Solicitor Department of Agriculture.

regard thereto. Mr. Brady, the superintendent of Swift's beef department, when asked if he had a conference with Mr. Harms regarding these 11 carcasses, replied that he had never had any conversation on this or any allied subject with Mr. Harms, and when told of Mr. Harms's statement of the alleged conversation with him he absolutely denied it.

- (2) Mr. Harms saw from 1,200 to 1,500 pounds of lard spilled on the floor, which ran down into an open sewer in the floor, the sewer outlet being quickly blocked and the lard taken up from the floor and out of the sewer, both of which were unclean and insanitary from constant use, from walking over, and from sputum and filth which naturally find their way into any sewer. Doctors Clancy and Meadors passed this lard to the packers over the protest of the inspector on that floor, and it went out to the public marked "U. S. Inspected and Passed."

This is an involved falsehood. It is a fact that upon one occasion in the oleo room about 1,200 pounds of lard spilled on the floor. The lard was in a semiliquid condition and part of it ran into the floor gutter, part of it onto a portion of the floor which had been walked upon, and part of it upon a portion of the floor which is and was as clean as any

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# THE AMERICAN FOOD JOURNAL



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## THE AMERICAN MEDICAL ASSOCIATION."

Apparently there was a time when it was not discreditable to belong to the American Medical Association. The organization had reputable sponsors and honorable aims. Unfortunately a clique of unscrupulous politicians obtained control of the machinery, and through a close, non-changing directorate, through a machine-elected House of Delegates, through the blacklisting power of the journal of the society, of which the secretary and manager of the society is also editor, have perpetuated themselves in despotic power and succeeded in permanently prostituting the society to selfish and unworthy ends. Even the rank and file of the society who have no voice in its affairs have seemingly lost the power to blush for its officers, the measures they advocate, and the methods they employ.

Chief among the autocrats of the society are its editor-secretary, George H. Simmons, M. D.; Dr. McCormack, "walking delegate"; Dr. Charles A. L. Reed, professional office seeker, and Dr. Frank Billings, fee expert and multiple office holder. Simmons, when a homeopath, conducted a medical water cure institute at Lincoln, Neb., administered "compound oxygen" and "guaranteed cures" in all "genito-urinary" and "rectal diseases," "no matter how long standing," according to display advertisements in the Lincoln papers. By the same token he advertised as a specialist in diseases of women and accommodated "a limited number of lady patients at his residence." Then he obtained a "regular" M. D. degree by *accommodation* after an attendance of at most twenty-two days, including Sundays, from "Rush" Medical College. The dean of the college says the reason he was granted a degree without attending college, contrary to rules of the college and laws of the state, was that he had a "family" in Lincoln, Neb., or according to the Illinois State Board of Health records "in Wisconsin," to support. At this time, the facts disclose he had no family or no living children, but was married to a graduate of the Woman's College of Chicago, who was associated with him in business and from whom a few years later he obtained a divorce after one of the most outrageously unjust divorce cases ever tried in the state. This was exposed by the Lincoln papers at the time. The divorced wife is now living in poverty in Chicago, while her former husband is in possession of her property. The American Medical Association knew all this last June, if not previously. The

proofs had been presented, published and distributed at personal expense of Dr. G. Frank Lydston of Chicago and Mr. Henry Strong of St. Louis. This proof, however, was but the *raison d'être* for a thicker coat of whitewash to hide his blasted and blackened reputation; and the only defense furnished—in the face of the facts possible—was that it happened long ago (1892) and that he now had reformed. Maybe. A friend of his and a friend of ours not so many years ago applied to him for medical advice. He prescribed drinking hot water (a medicant which although not guaranteed under the food and drugs act, really proved a satisfactory remedy). In collecting a small fee he said: "Now, if you had not been a friend of mine, I would have treated you with drugs and obtained \$150." The friend congratulated himself on his luck, but we have been wondering if the reply showed any higher ethical or moral state of mind than the "guaranteed cures" with "compound oxygen."

McCormack, the lieutenant of Simmons, has a scarcely less odorous record than his boss. It transpires that the "walking delegate," as Mr. Hyde travels around the country lecturing on the importance of the purity of water, and the arch crime of contaminating it, and as Mr. Jekyll, has been arrested three times in his home town for a similar offense. This the American Medical Association also knew, and applied the whitewash more vigorously.

Dr. Reed has been so thoroughly discredited by everybody from the President of the United States to the liberal-minded physicians of Cincinnati, that it would not be worth while to refer to him as one to the political ring had he not used the society to boost himself for various civil offices and manipulated that segment of the circle relating to food affairs.

Whether by compact or accident, the ring in this transaction, probably truly representing a majority of the physicians—who are not prone to investigate such matters—worked with the Wiley machine to the end that the pure food law put patent medicines out of business. The state food commissioners and many friends of a national pure food law, as well as of a national food control organization, were against the drug and patent medicine clauses, as involving and imperiling the issue.

The physicians partially succeeded in eliminating competition with the so-called "nostrum" manufacturers and doubtless feel grateful to Wiley, or whoever claims the credit for the drug section of the pure food act. However, sentiment probably cuts little figure with the managers of the American Medical Association. Reed wanted to be appointed on the food board but failed. He wished to be chief of a new Bureau of Public Health, which should have charge of the food law, but lost. He wanted to succeed Foraker as senator, and *received two votes*. He wanted, and finally succeeded, in getting an appointment from the President as first lieutenant of the medical corps of the army, but the nomination was withdrawn for cause by the President a fortnight later. Even if the President had not discovered the character of his appointee, Reed would probably have failed of confirmation in the senate, due to the action of Senator Foraker in holding up the appointment.

One of the acts of Reed which probably precipitated the almost unprecedented action of the President, was the giving of a toxic dose of falsehoods to the Washington Post in relation to the appointment of the



Referee Board of Consulting Chemists recently declared legal and necessary by Attorney-General Wickersham. In revenge, Reed gets his docile delegates to pass a resolution condemning benzoate of soda, which the Remsen Referee Board by three separate experiments had unanimously declared innocuous in small and even in comparatively large doses and which Wiley had declared injurious. As previously stated, there may have been a disposition among the physicians to go to Wiley's assistance in any legitimate way, as one good turn deserves another. Wiley also had his right-hand plotters, Bigelow and Allen, at the convention to turn it to political account. The probabilities are, however, that only the political and selfish ends of the ringleaders were considered. Reed was chairman of the committee and spokesman of the party who presented the resolutions to the President. If a real reform rather than a political coup was aimed at, another and more acceptable man would have headed the committee.

Of the last member mentioned, Dr. Billings, much good may be said. Dr. Billings' services in the last very short and very fatal illness of the late Marshall Field are well known, as also his bill for \$25,000 presented to the administrators of the estate. Such legitimate stealing will not improve the strained relations between the physicians and the public. Many will question whether it would not have been wiser for Marshall Field to have invested 25c in a bottle of Piso's, Chamberlain's, Bell's, Pine Tar, or other "guaranteed" cure, and spent the remaining \$24,999.75 on the Field Museum or for soda water. However, exorbitant fees to rich patients or their estates has some justification, and his activity as a politician in the American Medical Association has none.

All the foregoing, and more, is necessary to explain the action of the American Medical Association in passing resolutions condemning benzoate of soda and praising Wiley.

The most painstaking, elaborate, authoritative and expensive investigation ever conducted in this or any other country had been made under the recognized best authorities in the world, specialists in the various lines, some of them wearing the degree of *Doctor Medicinæ*, but the work of which no M. D. in regular practice would think of shouldering. The authority, accuracy and honesty of the investigation cannot and has not been questioned, even by laymen, let alone by collegiates with pretensions to scientific erudition.

The American Medical Association, neither made nor caused to be made by their own members or by competent investigators, any experiments on the effect of benzoate of soda in food on the human system. Their opinion, if their resolutions were influenced by an opinion, was evolved out of their own consciousness and ignorant prejudices, not by scientific research and investigation.

It is inconceivable how any medical society with a knowledge of the facts as they have been given to the world could have taken this action and it is only explainable in the light thrown on the officers and moving spirits of the American Medical Association and their methods and motives given as a prelude to this editorial.

Has science so little of value to the physician? Is all the suffering, of man and brute, all the sacrifice of the feeling of the sacredness of the human body, the

image of God, in vain? Can the results of the post mortem, of vivisection, of voluntary medication and submission to surgical operations be passed over in preference to an old foggy idea or to political expediency? No, fortunately unless to a very small proportion of the physicians of the country, science and scientific investigations still spells progress, and the physicians will fight disease and death under that banner, nor will they allow commercial favoritism or a group of political practitioners to blind them to what is honest, what is right, and what makes for knowledge and power in conquering the ills that flesh is heir to.

### THE OPEN DOOR POLICY FOR THE COMING CONVENTION.

"Open the doors of the coming convention of the Association of State and National Food and Dairy Departments wide to the public, and make the Denver meeting a success, instead of a meaningless farce such as the convention at Mackinac Island degenerated into last summer."

This is the cry that has gone up all over the country as August 24th, the date for the Thirteenth Annual Convention of this association at Denver, Colo., draws near, and the agitation for a radical change of policy on the part of the leaders who controlled the business of the convention last year even against the wishes of the majority, is getting stronger every day.

"Abolish the star chamber proceedings and drop the 'gum-shoe' and 'pussy-foot' tactics and the 'dark lantern' methods which have been in vogue since the advent of Dr. H. W. Wiley into the association," is the demand which is being voiced by everyone who believes in fair play whether in or out of the association.

A majority of the members of the association, including some of the men best versed in the work of their departments and most expert in lines of food analysis, are in favor of letting the public, manufacturers and consumers alike know fully what is going on and what is being done at their gatherings, and, more than that, to allow them to have a part in the discussions. From every quarter come expressions of opinion to the effect that the convention would be of far greater value to the commissioners and the chemists themselves, if public discussion of papers were permitted and if light were permitted to be thrown from other angles than simply those mapped out by certain cliques.

What the public is clamoring to know now is whether or not it will be the policy of the food control officials to confer with the manufacturers and distributors of food products, and to get the benefit of their practical experience and technical knowledge. The opinion is general even among many members of the association that if the association is to persist in closing its doors, locking the officials in and the public out, on the ground that all wisdom is centered only in official craniums and especially in official craniums susceptible of developing bumps as much like those of "Boss" Wiley as possible, that the association might much better agree to disband.

The best that can be done under such a policy of shutting out all practical light, would be to work out a program of theory, which might sound grand enough in the convention hall with no practical men of experience to suggest or criticize, but which would



fall to pieces the minute it was put to a real test. It is certain that some of the leading state commissioners of the country will not countenance such a program another year.

What is still more certain, if the persistent mutterings of public opinion heard in every quarter are to be credited, is that the people are not going to stand for this system. Were the food and dairy officials to be allowed to persist in such a narrow attitude, it would mean simply that the public would be subjected to a reign of pure empiricism in the regulation of its food supplies. Every rule laid down practically would be based on theory and wholly experimental. There would be no sure basis on which to go. The manufacturer and distributor would not be enlightened how to label their products, and the consumer would not know what to look for, nor what to avoid in the labels. Probably nothing would be much more pleasing to Dr. Wiley than such a state of affairs, but it would be anything but popular.

The wholesome feeling is gaining ground that the food and dairy officials, are after all, servants of the public, retained to look after the public interest, and the question is being raised, How are they to be fitted to attend to the public interests if they resolutely shut their eyes and refuse to ascertain what the interests of the public may be. The people will see to it that their servants attend to their business with eyes open, and that they keep keenly alive to modern methods and sensitive to what is practical and what impractical. It will not be difficult to find men who will attend to these things, it is said on every hand, and mutterings will change to open threats and a war of reprisal born of a righteous indignation trampled upon once too often, which will mean official heads in the basket, unless a more democratic policy is adopted by the coming convention.

The justice of the public demand is appreciated by a majority of the men who will make up the next convention, as it was appreciated by a majority of the men who made up the last convention, and they do not hesitate to come out openly and manfully and speak their minds. The only trouble is that the same clique which ran affairs at Mackinac is getting ready to control at Denver by methods which savor of the "soap box" primary, the backroom caucus, and the packed and gavel-ruled convention rolled into one, rather than of the parliamentary proceedings of a lot of clean and fair-minded gentlemen, gathered for a scientific discussion in the interests of progress and the people.

Food Commissioner W. F. Cannon, of Colorado, who voiced from the floor of the convention last August a strong protest against the selection of the officers of the convention by a nominating committee, instead of in open convention where the majority might have a voice, is again on the warpath against such "gag rule," and the fact that he succeeded in getting the convention for his state this year indicates conclusively how popular was the stand he took for fair methods in running the convention.

"It is not right or just," says Mr. Cannon, "that a nominating committee of three or four men should go into a room or a corner and select officers for the whole association, framing up a slate like a political ring. As to the matter of throwing the convention and its records open to the public, I favor it most heartily. The more discussion we have especially

from the angle of the public, the manufacturer and the distributor, the better idea we shall have of how best to transact our public duties."

The great cry at the next convention is undoubtedly going to be for a minimum of executive session business and a maximum of public hearings and public discussion.

"We need all the light we can get, all the information we can get, yes, and all the criticism and suggestions we can get," said Commissioner A. Hanby Jones of Illinois. "We should welcome public hearings, and if we refuse to confer with and take into our confidence the manufacturers and distributors we are doing them and the whole public a great wrong."

"I was present at the convention of State and National Food and Dairy Departments at Mackinac Island," said Dr. T. J. Bryan, Illinois State Analyst, "and at the hearings before the Joint Food Standards Committee three days preceding it at the same place. To my disappointment the number of food manufacturers in attendance was small. This was probably due to the fact that no general invitation was extended to them and that all the discussions were held in executive sessions from which the manufacturers were excluded.

"It is regrettable to think that this incident will doubtless result in a still smaller attendance by manufacturers at the next convention unless there is a change of policy in that respect. I, for one, believe that it is a mistake to exclude the manufacturers and the public in this way. If our discussions are worth anything to our employers, the people, certainly the public is entitled to have the direct benefit of them, and if our conventions are to be of any great advantage to ourselves and any help to us in our work, surely we cannot have too much light from all quarters. Practical suggestions should always be welcome. Executive sessions are desirable and necessary, but should not include discussions of papers read before the association."

Dr. Bryan virtually embodied the same thought in the ninth annual report of the Illinois Food Commission.

"I am for the 'open door policy' and you can't put me there any too strong," said Commissioner H. R. Wright, of Iowa.

"Inasmuch as the coming convention is to be held in the West," said Commissioner Burke, of Wyoming, "let us hope that our very best Western manners and Western wholesomeness and fair play will govern proceedings. We make a fatal mistake when we gather in executive conclave for discussion of matters in which the entire country is interested so vitally. There is nothing mysterious in what we are doing, and if we don't convene for the purpose of enlightening and being enlightened, what earthly business, pray, have we for taking the people's time for our annual junkets."

"My theory has always been that there was no need to conduct the business of food inspection and regulation under cover," said Commissioner Flanders. "We have nothing to be afraid in throwing our conventions open, and very much to gain. We should be afraid of the opposite policy—the policy which there has been a tendency to follow of late."

All of which expressions would indicate a lively season at Denver—and afterward—if another attempt is made to clamp the lid on.



**PURE FOOD BOGEY MAN.**

It happens that after state pure food bills have been prepared with the greatest possible care by the best of experts; and after these bills have been endorsed by the ablest of lawyers, they are passed by legislatures after due deliberation and then find their way into the hands of the governor for his signature.

Now comes the bogey man! He and his two friends do not awe the governor by the power of their presence, nor do they let fall such words of wisdom about pure food laws as will impress the great executive of the state. But when the bogey man swells up and shoots his one best bolt, the governor trembles in his boots and the learned attorney general quakes with a fear for his future.

"If you sign that bill governor," says the bogey man, "with that offensive clause in it me and my forty thousand followers will destroy your political map!"

"And as for you Mr. Attorney General, if you don't know enough about the law to declare that guarantee clause constitutional and right in every way, me and my forty thousand followers will take you from your high estate and make a cheap justice shop pleader of you!"

And so governors don't sign bills that are objectionable to the bogey man, and attorney generals find a convenient constitutional law to please the man who comes before them with his bogey song of "me and my forty thousand followers."

If governors and attorney generals would take the trouble to learn the truth about the "representative retailers" who come before them to plead for immunity from just laws, they would know that these men who intimidate them into withholding their signature from proper pure food bills could not muster forty votes for or against any proposition put before the people of a state. They are veritable bogey men with little or no stock in trade but their bogey song of their large following.

These "representative retailers" who profess to have such a large following are a type. They exist in Cook County just as they are to be found in other counties in the State of Illinois and other states. They are a nuisance to the manufacturers, to the wholesalers and to the great body of retailers themselves. They are a continual menace to good pure food legislation and do more than any other set of men to obstruct the operation of the pure food laws, and always they do their mischief with their simple bogey song of "Me and my forty thousand followers."

These men existed as a type before there was much doing in the way of pure food laws. There was a president, a secretary, a treasurer and two more who made up the execution board. The rest of the association consisted of a few names of local retailers.

Now this little body of men needed money, with which to pay for literature and sundry expenses as the officers might incur.

Did the association pay this from dues or other assessments? Indeed not.

Their method then as now was the use of the bogey song. This they sang to manufacturers and wholesalers until money was forthcoming. In the summer time the bogey man would leave a bunch of picnic tickets with the wholesaler and manufacturer. Usually these tickets were laid down to the man who did not want them at a dollar each. It was all for the good

of a worthy cause! Incidentally the victim was given to understand that members of "our association" would remember favorably all those who bought tickets, and would not forget those who withheld their patronage.

In the winter the manufacturer and wholesaler was "help up" with a package of ball tickets.

And so a few men, professing to represent a large body were able to intimidate shrewd business men and compel liberal contributions. At the expense of manufacturers and wholesalers, these few men had their picnics in the summer and their balls in the winter and a little left in the treasury.

This was such a good thing it spread from local to state and from state to national organization all of them existing on the forced contributions of those who had no interest in the organization whatsoever. As for the rank and file of retailers, they paid little attention to the doings of their local organizations and knew practically nothing of the workings of the state and national bodies. They were simply enrolled, and when the bogey man would appear before a governor and talk about "Me and my forty thousand followers" he simply represented himself and two or three of his pals who happened to be with him. The rest of the retailers who made up his forty thousand were nothing more or less than a list of names.

With few exceptions the retail association of the country consist of a few men who make a business of representing a list of names. When it comes to influencing votes at the polls, these "representative" retailers are without power. In fact politics is not their business. They are content to threaten what "Me and my forty thousand followers" will do. This has worked so well in the past in selling picnic and ball tickets to the manufacturers and wholesalers it is small wonder that it can be worked successfully on such wise men as governors and attorney generals.

It does not always work. When the bogey man sang his song to Governor Hughes of New York that official thundered back at him "I don't care if you represent one hundred thousand retailers, I will not sign a bill for you that I believe to be unconstitutional."

And Governor Hughes did not put his signature to a state pure food bill which contained the regulation guarantee clause. Like a fearless man he refused to lend his name to an unjust law. Besides, Governor Hughes knew full well that this old bogey song the "representation" retailers sang was all buncombe. Even if this bogey man had a real following, why should any governor sign a bill containing a guarantee clause, giving the retailer immunity from prosecution for selling poisoned food stuff! What about the rights of that greater body, which constitutes the general public! Have the people at large no rights?

What the pure food laws are passed for is to protect the people from vicious tradesmen who are not above selling poisoned food products.

What the bogey man really says to the state officials is this. "If me or any one of my forty thousand followers are caught violating the law, we demand that the law grant us immunity from the letter and the spirit of the law!"

Practically every governor, every attorney general, every pure food commissioner and every other man of common sense who has thought much about pure food laws knows that a guarantee clause in a state law conflicts with the constitution of the United States, and for that reason the best legal talent in the land



have repeatedly said that a state pure food law which contains a guarantee clause is absolutely without force. The one offensive clause is fatal to the entire bill.

It is all so simple that it does not require legal acumen to understand it.

Under the national law a resident manufacturer of Illinois may not have commercial rights in his own state which a manufacturer in Indiana may not enjoy, nor can the State of Illinois put commercial penalties on its citizens that acts as a premium for the Indiana manufacturer under the state pure food law. If a resident manufacturer sells adulterated food products he is punished. If his brother, living just across the border in Indiana makes identically the same goods and sells them in Illinois, he cannot be reached by the laws of the State of Illinois.

If the guarantee is made to apply only to manufacturers and wholesalers within the state, then the Indiana man would have good cause to complain that the state law operated to keep his goods out of the state of Illinois. The retailer would not buy any "foreign" goods because the guarantee would not hold in his own state.

In other ways the state guarantee clause strikes at the free intercommercial relations which the federal constitution strives always to maintain between the several states.

Now the governors and all other interested in pure food laws, know this, but the high officials, always with an eye on their political mayas fear the terrible bogey man and his song of "Me and my forty thousand followers."

When they learn how little this bogey man and his phantom followers is to be feared we will have better state pure food laws. State officials will leave the federal law to deal with the guarantee clause.

#### **SECRETARY OF TREASURY FRANKLIN MACVEAGH ON OLEO REVENUE LAW.**

Secretary Franklin MacVeagh has taken a strong stand for a two cents per pound tax on all oleomargarine. The present tax is one cent per pound on uncolored and ten cents per pound tax on colored oleomargarine. Mr. MacVeagh estimates that the oleomargarine law amended in this particular will increase the Government revenues \$2,000,000.00 annually. The Secretary in recommending the change in tax would also recommend some changes in the law to render the sale of oleomargarine for butter difficult if not impossible.

The restriction of the sale of oleomargarine to consumers' sizes of packages—say, one, two and three pounds; the plain marking of the packages and inside wrappings as oleomargarine; the stamping of each package with a revenue stamp in such manner that the package could not be opened without destruction of the stamp; the shaping of the package to make it distinctive, and such other devices as would make it as nearly as possible impracticable to sell oleomargarine as butter. These devices would be aided by improved administrative aids for the detection of any intransgression of the law. The aim of such a law would be to wholly differentiate oleomargarine from butter and oblige oleomargarine to stand on its own feet and let butter have exclusively its own market.

In recommending this change in the law the Secretary of the Treasury says that the present law and its regulations do not prevent fraud in the sale of oleo-

margarine and do not yield revenue. With a lower and uniform tax accompanied by stringent restrictions in the wrapping of goods for the largest sized package down to the small pound packages more revenue would be procured and fraud eliminated.

The dairymen of the country who have an able champion in James A. Tawney of Minnesota, jumped hard on Secretary MacVeagh's plans and advices from Washington, indicate that President Taft is not in argument with his cabinet officer. It is also stated that Senator Aldrich has declined to introduce an amendment to the oleomargarine act and there is very little likelihood of any change in the oleomargarine situation at this session of Congress.

#### **HON. L. DAVIES DAIRY AND FOOD COM- MISSIONER OF WASHINGTON.**

Hon. L. Davies is well qualified by education, training and sympathies for the position he holds. He is a native of Pennsylvania and worked on a dairy farm in that state in his boyhood days. In 1892 he graduated from Cornell University, one of the few prom-



HON. L. DAVIES.

inent eastern universities recognizing agriculture as a science. Then realizing the opportunities in the great far west he traveled as fast as steam could take him to the state of Washington, where he practiced law and politics until 1905, when he was appointed State Dairy and Food Commissioner by Governor Mead. The office has grown under his administration, there now being six field deputies, one secretary and two chemists.



### OUR REPORTS OF STATE FOOD LAWS.

Expressions of appreciation and congratulation are pouring into the office of THE AMERICAN FOOD JOURNAL, as a result of the systematic and thorough running digest of bills affecting manufacture and sale of food products which have been introduced in the state legislatures all over the country. THE AMERICAN FOOD JOURNAL has presented to its readers month after month a tabulated report of synopsis showing state by state and nature and status of the measures introduced and pending up to 15th day of each month. The legislatures of those states which hold biennial sessions have adjourned with the exception of Connecticut, which will probably adjourn about August 1, Georgia which convened July, and Washington which is now holding a special session.

This is the first time that this journal or any other has successfully carried into effect a plan of covering the entire country in this way and all agree as to the value of the synopsis presented, enabling practical comparisons and keeping every reader informed on subjects most vital to the producer.

This work has required constant correspondence and painstaking and accurate attention. No court report or court record was ever kept up more faithfully or exactly. In publishing the concluding issue we wish to announce that in 1911 we shall endeavor to repeat the effort, hoping, if possible, to improve upon, if possible, our achievements of this year.

### PEROXIDE IN INDIANA.

After July 9th, no flour bleached with peroxide of hydrogen shall be sold in Indiana says the "Goshen Indiana Times," and where could one find better authority. Besides the paper claims to get the inspiration direct from the State Board of Health.

We have always thought peroxide of hydrogen should and would suffer for the crimes which have been committed and are still being accomplished by its aid. A beautiful brunette, dissatisfied with nature's choice of colors embraces the magic bottle at eventide and wakes a faded straw colored blond; by a single application of the alluring liquid a glowing bunch of pink hair will change to yellow, then to a series of rainbow colors which would make Joseph's coat look commonplace and in course of time revert to the color of the eyebrows. Not content with disfiguring the human flower, peroxide must invade the vegetable kingdom and threaten the wheat and bread. But Indiana to the rescue; it shall not be; after July 9th, peroxide of hydrogen may not be used to make a dark flour look light and in a short time we may hope for a law in Indiana to prevent a brunette passing herself off for a blond.

### DR. WILEY SNUBBED IN ENGLAND.

From the glowing reports cabled across the Atlantic the American public supposed that Dr. Wiley had his hand on the throttle of the International Congress of Chemists, rang the bell, blew the whistle, and otherwise furnished all the noise. But the facts seem to be otherwise. At the last International Congress in Rome in 1906, before his experiments with poison squads, etc., had been published and when he was still engaged in writing books, he had himself elected organizer of the U. S. Delegation. This office he filled at the last Congress in London. But instead of honors there

was studied neglect. At the official lunch during the annual meeting of the Society of Chemical Industry the chairman neglected to call on him to represent the United States, but instead Dr. Clarke was asked to speak. When the chairmen of the foreign delegations were to be introduced to the King by Sir Henry Roscoe and Sir William Ramsay he was the only official chairman who was not requested to be present. Instead Dr. W. H. Nichols represented the United States. And finally, when the Congress was invited to meet in New York the speech of invitation was not made by Wiley, as Chairman of the Delegation of the country extending it, which has been the custom heretofore, but, for the first time in the history of these Congresses, by its ambassador, in this instance the Hon. Whitelaw Reid, who delivered a magnificent address.

### MEAT INSPECTION HEARING IN ST. LOUIS.

This journal in the June issue published the charges against the meat inspection service made by Mr. Harmes, a meat inspector of St. Louis, in an open letter to the Secretary of Agriculture. We also published the impromptu denials of the particular persons against whom the charges were made. The United States Department of Agriculture made a searching investigation of the charges, and have sent us a full and complete report with their recommendations. We feel that it is due the department and the public to give the investigation and refutation as wide publicity as the charges, although the length of the report may crowd out an important food decision and delay the publication of the new laws some of our subscribers are asking for.

### LOUISIANA HEALTH BOARD IN WRANGLE.

The Louisiana State Board of Health are having a hot time organizing the new food bureau. One faction wants a chemist to be the executive officer while another desires the place for a political favorite. The latter faction seems to have the call at present writing. The Louisiana press are urging an immediate appointment and one has been promised by the board within thirty days.

### HEARING ON ALUM.

The Department of Agriculture held a hearing on alum, July 5th, 1909. A great deal of oral evidence on the harmlessness of alum in baking powder and food products was given. There is a possibility of an investigation by the Department as to the effect of alum on the human system. At any rate no decision by the Department will be given at once as the officials wish to go over all the evidence submitted and to await further testimony in the form of briefs submitted by the baking powder and pickle people.

### OHIO PHARMACEUTICAL CONVENTION.

In conformity with their custom the Ohio State Pharmaceutical Association, of which Theo. D. Wellerstroem is secretary, meet this year on the 13th, 14th, 15th and 16th of July, at Cedar Point, on Lake Erie, with headquarters at the Breakers Hotel. The association has increased its membership nearly 400 during the year and a large attendance, a good time and a profitable meeting is expected.



**TAXPAYERS DOUBLE CROSSED.**

The American Food Journal would like to know if it is proper and if it is legal for an employe of the United States government who draws his pay from ALL THE PEOPLE to travel about the country foisting his ideas and theories upon the public for the benefit of SPECIAL KINDS of FOODS or INTERESTS at the expense of ALL THE PEOPLE.

For instance:

The manufacturers of "Corn Syrup" glucose products legalized under a food inspection decision overruling Dr. Wiley.

The manufacturer of food products containing sodium benzoate legalized under food inspection decision overruling Dr. Wiley.

The blender and rectifier of 85 per cent of all distilled spirits on the market—no food inspection decision yet, but soon.

Certainly pay their proper tax to the government to conduct the government's business.

We next hear at some convention on meeting this same employe of the government or some of his understudies appear and in some paper or address attack the products of these manufacturers, which were favored by a F. I. D. over his head. Now what we want to know has he the presumption to collect in his expense account the cost of traveling to and from these meetings to knock the products of these manufacturers?

Who pays taxes to run the government and from which the knocker draws his pay. This is what is commonly known in street parlance as "The double cross." This, in our opinion, should be absolutely prohibited.

**OFFICIAL CHEMISTS IN DENVER.**

Only once or twice in the history of the Association of Official Agricultural Chemists has their convention been held outside of Washington, D. C. One of these in St. Louis, during the meeting of the Food Congress, when every chemist's influence was needed to stifle the state food standard proposition. Another emergency seems to exist as the 1909 convention is called in Denver, the same week with the Food Commissioners' convention. Probably Dr. Wiley feels so sure of his control of the chemists that he can take the convention out of sight of his army of employes or maybe the employes will flock to the convention just the same.

It is at least interesting to watch the development of the two associations since the Association of State Dairy and Food Departments delegated a committee to attend the convention of the Association of Official Agricultural Chemists and confer with them regarding standards and methods of analysis for food products.

Whether this convention and its membership can exert any strong influence on the action of the Association of State and National Dairy and Food Departments is doubtful, and at this time the membership will be less inclined to meddle with affairs with which they have no concern than ever before.

**JAMES H. WALLIS.**

James H. Wallis, pure food commissioner of Idaho, whose photograph appears on the front cover, is going after the violators of law right off the reel.

Three arrests were made in Boise, on the 8th inst.;

one case was for false weight butter; one for adulterated lard; and one for selling oleomargarine without posting notice as required by law. The first two were assessed fines of \$75 each and the other got off by payment of a \$50 fine.

**MEETING OF MODEL FOOD LAW COMMITTEE**

There will be a meeting, Monday, August 23d, 1909, of the Committee appointed by the Association of State and National Food and Dairy Departments, to draft a Model Food Bill.

This meeting will be held at Denver, Colorado, in connection with the meeting of the Association, and manufacturers interested will be given an opportunity to appear before the Committee and make any statement or suggestion with regard to the provisions of the proposed Model Food Bill.

We ask that all statements and arguments be substituted in typewritten form and, if possible, that the same be submitted to a member of the Committee before the meeting at Denver, in order that the Committee may have an opportunity to consider the suggestions.

The time will be limited to five minutes, for each speaker, who appears before the Committee.

Signed,

E. F. LADD, . .

Chairman of Committee.

**HOMEOPATHS IN SESSION.**

The American Institute of Homeopathy in convention in Detroit, June 24th, elected the following officers: President, Dr. James W. Ward, San Francisco; first vice president, Dr. Herbert Dana Schenck, Brooklyn, N. Y.; second vice president, Dr. Sarah Hobson, Chicago; treasurer, Dr. T. Franklin Smith, New York; secretary, Dr. Richey Horner, Cleveland; censor, Dr. J. B. Garrison, New York. Resolutions condemning benzoate of soda as a preservative in food products were passed.

The Homeopaths followed their usual custom in repeating parrot fashion all that the American Medical Society had done the previous week. If their side show was held one week earlier than the large circus instead of one week later the delegates could do nothing but occupy space and look wise.

**THE AMERICAN PHARMACEUTICAL ASS'N.**

The American Pharmaceutical Association holds its 1909 convention in Los Angeles, August 16-23. It is rumored that the Wiley push will endeavor to put through resolutions similar to those passed by the American Medical Association. They will find the American Pharmaceutical Association more difficult to manipulate to personal and selfish ends. We venture a prophecy that no such resolution will be passed.

The Florida growers and handlers of citron fruit have formed an organization similar to the California Fruit Exchange. It is expected that the workings of this organization will be as beneficial to the grower and shipper of fruit as the California organization.

Rush Medical College, Chicago, appears to be appropriately named when a man can secure an M. D., degree in less than one month's attendance.



**ROUTES AND TRAIN SERVICE TO THE CON-  
VENTION OF THE ASSOCIATION OF  
STATE FOOD AND DAIRY  
DEPARTMENTS.**

The Thirteenth Annual Convention of the Association of State and National Food and Dairy Departments is to be held at Denver, Colorado August 24th to 27th, 1909. The fare for the round trip from Chicago via all roads is \$30.00. The delegates and the public will have an opportunity to take their choice of routes. The AMERICAN FOOD JOURNAL herewith presents the name of all railroads with time of departure and arrival of trains from Chicago to Denver. We wish to inform our readers and it is not generally known that tickets at the rate made for this occasion may be purchased through to Colorado Springs or Pueblo, via Denver and the Colorado & Southern Railway, at the same rate as to Denver. By purchasing tickets through to Colorado Springs or Pueblo it will enable you to visit the points of interest South of Denver, viz., Manitou, Pike's Peak, Garden of the Gods, etc., without any additional expense for transportation. These tickets permit of stop-over at Denver both going and returning, giving ample time to attend the Convention and take in the various side trips. We advise all those attending the Convention who have never enjoyed this trip to take advantage of it.

THE NORTHWESTERN UNION PACIFIC LINE have arranged to place a special car for the exclusive use of those attending the Convention on their No. 11 train (Colorado Special), which leaves Chicago on Sunday morning, August 22d, at 10 a. m., and arrives at Denver on Monday afternoon, August 23d, at 2:30 p. m., and on their No. 1 train Overland Limited, which will leave Chicago on 5 p. m., Sunday, August 22d, and arrive at Denver at 9:30 p. m., on Monday evening, August 23d. Both of these trains are equipped with electric light and is the only double track, automatic safety signal line, between Chicago and the Missouri River. Full information on application to H. A. Gross, General Agent, Pass. Dept., 212 S. Clark St., or to H. B. Meyers, Publisher AMERICAN FOOD JOURNAL, 160-162 Washington St., Chicago, Ill.

THE CHICAGO & ALTON-MISSOURI PACIFIC ROUTE via Kansas City, Pueblo and Colorado Springs to Denver, will carry a special line sleeper should sufficient business warrant and on the same rates. For particulars refer to Mr. C. R. Davidson, A. G. P. A., Chicago & Alton, Rector Bldg., or the undersigned, Mr. Ellis Farnsworth, D. P. A., Missouri Pacific Ry., 186 Clark St., Chicago.

THE CHICAGO, MILWAUKEE & ST. PAUL RAILWAY will attach special sleeping cars—for the exclusive use of members—to the Colorado Special, leaving Chicago from Union Passenger Station, Canal and Adams Streets, at 10 a. m., August 22d and 23d. The fare for the round trip from Chicago, with the privilege of going to Colorado Springs and Pueblo, will be \$30.00. Double berth in sleeper \$6.00, section \$12.00 and drawing room \$18.00. For sleeping car reservations and further information address C. N. Souther, Gen. Agt. Pass. Dept., C., M. & St. P. Ry., 315 Marquette Building, Chicago.

THE CHICAGO, BURLINGTON & QUINCY RAILROAD No. 1 limited, leaves Chicago at 1 p. m., daily, arriving at Denver at 6 p. m., the following evening. The fare for the round trip from Chicago,

with privilege of going to Colorado Springs and Pueblo after the convention, will be \$30. Those desiring to go as far west as Salt Lake City can secure round-trip tickets from Chicago with the privilege of stopping off at any or all of the above places for \$43.

For further particulars address Chicago, Burlington & Quincy Railroad Company, 211 S. Clark Street, Chicago.

THE ROCK ISLAND ROUTE announces all Rock Island trains in Chicago depart and arrive at the LaSalle Street Station, the only one on the Elevated Loop. We operate morning, noon and night trains from Chicago to Denver, Colorado Springs and Pueblo as follows:

The Rocky Mountain Limited leaves Chicago at 9:30 a. m. and arrives Denver 2:00 p. m. the next day.

The Mountaineer, the new one night train leaves Chicago 1:25 p. m., and arrives Denver 5:55 p. m. the next afternoon.

The Colorado Express leaves Chicago 10:32 p. m. and arrives Denver 7:45 a. m. the second morning.

The same number of trains returning daily from Colorado points to the East. These trains are electric lighted throughout and carry Rock Island dining cars, meals a la carte.

The Summer Tourist fare Chicago to Denver, Colorado Springs and Pueblo and return, on sale daily up to and including September 30th, is \$30.00 and tickets bear a final return limit to October 31st, permitting of liberal stopovers and diverse route privileges at all points on going and return trips at or west of the Missouri River.

The standard sleeping car double berth rate Chicago to Denver is \$6.00.

The Rock Island is the only railroad with direct lines to both Colorado Springs and Denver obviating the necessity of passing through one city to reach the other although one may do so if desired.

A. B. SCHMIDT, G. A. P. D.

"Our great Association (American Medical Association) stands self reproached until it shall have purged itself of certain *medical politicians* whose methods hang over the organization like a pall, a blight on the fair face of good old Dame Ethics."

Dr. G. Frank Lydston.

The Directory of Food Control officials printed in this issue is complete and up to date.

**PATIENCE.**

Supposin' fish don't bite at first,  
What are you goin' to do?  
Throw down your pole, chuck out your bait,  
An' say your fishin's through?  
You bet you ain't; you're goin' to fish,  
An' fish, an' fish, an' wait  
Until you've ketched a basketful  
Or used up all your bait.

Suppose success don't come at first,  
What are you goin' to do?  
Throw up the sponge and kick yourself?  
An' growl, an' fret, an' stew?  
You bet you ain't; you're goin' to fish,  
An' bait, an' bait ag'in,  
Until success will bite your hook,  
For grit is sure to win.

—Col. Wm. C. Hunter.



**MEAT INSPECTION SERVICE VINDICATED.**

(Continued from Page 15)

kitchen table. Inspector Fitzgerald was present when the spill occurred. He immediately took charge and directed that the lard be recovered and placed in two trucks. That portion of the lard which fell into the floor gutter and onto the dirty portion of the floor was placed in one truck and about one-third of the total amount of lard spilled, which had not been in contact with the dirty floor or with the floor gutter, was placed in another truck. The next morning Inspector Fitzgerald sent for Doctor Meadors and recommended to him that the lard from the gutter and the dirty portion of the floor be condemned, and that the lard from the clean portion of the floor be passed. Doctor Meadors made a careful examination of the floor and of the lard which Inspector Fitzgerald thought should be passed, and finding it clean and wholesome and in no way contaminated, he sustained Inspector Fitzgerald and ordered that portion of the lard passed. In this connection the committee made a personal examination of the floor of the oleo room in which the spill occurred. The floor is absolutely spotless and is kept constantly in that condition except that portion over which it is necessary for the men to walk. Mr. Harms tells an untruth when he says that he saw this happen because he was not present. He tells an untruth when he says that the lard was taken up from the sewer and passed to the packers over the protest of the inspectors on that floor, and that it went out to the public marked "U. S. Inspected and Passed." There was no conflict of opinion between the inspectors and no lard which had been in a sewer or which was unclean in any way was marked "U. S. Inspected and Passed."

- (3) Upon entering the offal cooler of Morris & Co.'s establishment early one morning, Mr. Harms found that the rats had held forth during the night, leaving traces and evidences which were a fright. Mr. Harms placed some 20 "U. S. Retained" tags upon the meat products in the cooler. Doctor Meadors released nearly all of these products to the packers and most of them went into sausage and found their way to the public, marked "U. S. Inspected and Passed."

The facts regarding this incident are as follows:

Mr. Harms reported to Doctor Meadors that he suspected that rats had gained access to this cooler. Doctor Meadors directed him to watch the matter closely and see if he could discover any evidence of rat contamination. One morning Mr. Harms reported to Doctor Meadors that he had found rat contamination and Doctor Meadors accompanied him to the cooler. He there found about 15 trays of meat marked "U. S. Retained," the marks being placed there by Mr. Harms. He sent for the superintendent of the plant. Mr. Harms, Doctor Meadors, the superintendent of the plant, and the foreman of the offal cooler then examined the meat.

Evidences of rat contamination were found in 12 trays and the meat in these trays was condemned and destroyed, as shown by the official records. In three or four of the trays where it seemed that rats might have run over part of the product, the meat which bore any evidences of such contamination was tanked, and that portion of the meat which bore no evidence of having come in contact with the rats was taken to another room and as an extra precautionary measure was thoroughly scrubbed with brushes. It was then allowed to be used. Therefore no meat bearing any evidences of rat contamination was allowed to be used in sausage or was marked "U. S. Inspected and Passed," and all of the meat in the cooler which might by any possibility have come in contact with the rats, but concerning which there was no evidence, was thoroughly washed before it was allowed to be used. Mr. Harms participated in the discussion as to what disposition should be made of the meat, and he apparently was thoroughly satisfied with its disposition. Doctor Meadors immediately informed Doctor Clancy of the occurrence, and Doctor Clancy caused the packers to immediately seal the cooler so that thereafter rats could not have access thereto. It appears that the management had already started the construction of a new cooler, and when your committee visited the plant this cooler was in use. We visited the old cooler, however, and saw that it had been rendered rat proof. It is now not in use as an offal cooler. An explanation should here be made of the term "offal cooler." It is the room in which livers, hearts, and other food organs of the carcass are kept.

- (4) On May 14, 15, and 17, Mr. Harms took three samples of meat from the cooking vats of Armour's extract room. These samples were filthy beyond description. Mr. Harms put the samples away in the freezer, expecting to hold the extract at the time it was drawn off on May 19, but on May 18 Mr. Harms received notice to report for duty at another establishment on May 19. On May 18 Mr. Harms showed the samples to Doctors Clancy and Meadors and to Mr. Lockwood, foreman of meat inspectors. Doctor Clancy did not hold the product, but allowed it to go out bearing the mark of inspection and containing filth and corruption.

It is true that Mr. Harms showed some samples of meats to Doctors Clancy and Meadors on May 18 which he claimed he took from the cooking vats in the meat-extract room. He was asked why he had allowed the manufacture of the meat extract to go on, why he had not condemned and destroyed the entire product, if it was of the character shown by the samples. These samples were small pieces of meat, one bearing a tuft of wool, the other a piece of hide, and the third was a beef gullet stained with the stomach content. Mr. Harms replied that he had not considered it necessary to take this action. He was told by Doctor Clancy that he would make a thorough investigation of the matter. Doctor Clancy then instructed the man who took Mr. Harms' place to make a thorough examination of the extract in the vats and of the residue therein. This examination was duly made and it disclosed no appearance of any filth, dirt, or foreign matter of any kind. The extract as completed was perfectly clean and sweet, and, accordingly, there being no evidence except Mr. Harms' word, which was apparently controverted by the facts, the extract was passed for food. Mr. Harms remarked to one of the men on the force, who so testified before the committee, that he, Harms, "had been looking for a chance to get the packers for three weeks." Your committee made an examination of the private records of Armour & Co.'s establishment, which showed absolutely all of the meat product which went into the extract room on the dates mentioned by Mr. Harms, and also took the testimony of the employe in charge of the extract room. The records and the testimony of this employe show that no meat of the character of the samples shown by Mr. Harms went into the extract room on the dates mentioned, and your committee is forced to the conclusion that Mr. Harms did not obtain the samples from the extract vats, but that he probably obtained them from some condemned material which was on its way to the tank.

- (5) To the personal knowledge of Mr. Harms, the offal and leaf-lard coolers at Armour's establishment 2D are, and have been for the last twenty-one months, in an insanitary condition. These coolers are directly underneath the beef casing or rough tallow floor. Moist filth and slime constantly seep and leak down onto all products in the coolers, and all this product finds its way to the public bearing the mark of inspection.

This is a falsehood made up of whole cloth. The committee examined every man on the force who had had occasion to visit these coolers and all testified that they were in first-class condition. The committee made a personal examination of the coolers, examining them carefully to see if any recent repairs had been made or if their condition had been altered in any way during the past few months. They found that no such repairs had been made and that they were in exactly the same condition as they had been in for the past twenty-one months. There is no filth or slime which seeps through the ceilings and leaks down onto the products in the coolers.

- (6) The meat inspector at Swift's held some 6,000 or 7,000 pounds of meat for being sour. Four or five other inspectors were called in, and they all pronounced the meat sour. Doctor Meadors released it to the packers.

This charge is a fine sample of Mr. Harms' method of selecting an incident which actually occurred and distorting it out of all semblance to the truth. The facts, briefly stated, are as follows:

Some 6,000 pounds of hams were examined by one of the government inspectors at Swift's, the claim being made by the inspector that the hams were sour and that portions of them were unfit for food. Swift's foreman did not agree with the inspector, and Doctor Meadors, the assistant inspector in charge, was called in, also Mr. Lockwood, the supervising meat inspector, who is an expert on the condition of cured meats. Doctor Meadors and Mr. Lockwood



in turn called upon four other meat inspectors from different establishments to examine the product. Every particle of it which was unsound or unfit for food in any way was condemned and destroyed for food purposes. There is not one atom of truth in this charge of Mr. Harms.

- (7) At one time Mr. Harms held some 800 pounds of hog-killing fats that had been spilled into an elevator platform that was in the filthiest condition. Doctor Meadors released it to the packers.

There is no record at the station and no remembrance upon the part of any department employe of any hog killing fats having been spilled into an elevator platform. There is a record, however, of the spilling into an elevator platform of about 1,000 pounds of beef fat, and this is the incident undoubtedly to which Mr. Harms refers. Mr. Harms on one occasion notified Doctor Meadors that he had retained, and desired to condemn, a truckload of beef fat because it had been spilled into an elevator platform. Doctor Meadors immediately visited the room in which the fat was retained and the room in which the fat was spilled. He found that the truckload of fat was composed of very large pieces of beef fat, and that an employe of the packers in trucking the same had spilled it into a depression in the floor, about five inches deep, in which an elevator normally rested. That part of the fat which fell upon the floor of this platform was dirty, but the other part of the thousand or more pounds of fat which had not come in any way in contact with the floor, having been piled upon the other fat, was not soiled or contaminated in any way. Doctor Meadors ruled that the fat which had become dirty by contact with the platform should be tanked—and this was done—and that the other fat which had not become contaminated in any way should be released, which was only the natural and just thing to do. Mr. Harms, however, demurred, claiming that he did not approve of the elevator platform and the condition in which it had been maintained. He wished to condemn and destroy all the fat, the clean with the dirty, as a penalty on the packers for maintaining this elevator platform in a manner objectionable to him.

- (8) The sour meat and the filthy fat mentioned above all found their way to the public marked "U. S. Inspected and Passed."

This charge refers to the hams discussed under charge 6 and the beef fats discussed under charge 7. It has been shown that neither the sour hams nor the dirty fat was passed for food. On the contrary, that it was all condemned and destroyed for food purposes. This charge, therefore, is absolutely false.

#### DISHONESTY AND INCOMPETENCY.

Mr. Harms charges that the government employes in the meat-inspection service are dishonest, that they are not looking after the public interest, and that the Bureau of Animal Industry is in the hands of dishonest and incompetent men.

The most searching investigation by your committee failed to reveal any trace of dishonesty on the part of any employe at the East St. Louis station. The record of that station for the past three years shows that 11,947 carcasses in their entirety have been destroyed for food purposes and 1,047,541 pounds of meat have been absolutely destroyed for food purposes. This meat was destroyed because it was either sour, tainted, putrid, unclean, rancid, or otherwise unsound, unhealthful, or unwholesome, and therefore unfit for human food. This record indicates anything but dishonesty or incompetency.

It is the belief of your committee that the men at the East St. Louis station, from the top to the bottom, are absolutely honest and competent; that they are discharging their duty to the service and to the public in a conscientious, high-minded, efficient way, and that no meat is passed from the East St. Louis station bearing the mark of federal inspection which is not in every respect fit for human food. The record shows that many of the employes at the East St. Louis station have worked overtime in their efforts to give an honest, efficient inspection, and it is to be regretted that the word of a disgruntled, dissatisfied employe, irresponsible and answerable to no one, should be made the occasion of an attack upon a service which is honestly conducted and which means so much to the American consumer of meat food products, and to the cattle, sheep, and hog raisers of the country, who are bound to suffer from any attack, no matter how uncalled for, which may be made upon the service.

There is absolutely no basis of fact for the charges made by Mr. Harms, and yet it is undoubtedly a fact that these same

charges, will, to a greater or less extent, reflect injuriously upon the foreign market for American meat food products.

Very respectfully,

A. D. MELVIN,  
Chief of the Bureau of Animal Industry.  
GEO. P. McCABE,  
Solicitor, Department of Agriculture.

#### ILLINOIS DOMESTIC SCIENCE WORK.

Mrs. Jennie C. Barlow, of Bloomington, secretary of the Department of Household Science, Illinois Farmers' Institute, reports the work of 1908 as follows:

Thirty-four counties, one-third in the state, are teaching domestic science to the extent that a special teacher is employed; five counties are teaching sewing without a special teacher. Forty towns and cities report the teaching of household arts in grades with special teachers; fourteen of twenty-seven high schools teach domestic science; much of this is through the efforts of the women of the state. Forty-one scholarships in household science at the university have been granted.

Eleven of 47 reports mention work for the girls, either in putting domestic science in the school or in teaching it outside of school hours. Twenty-three bread-judging contests have been held. Some clubs take up flower culture, others study foods, and still others, civic improvement or history of Illinois. Many clubs make demonstration work a prominent feature.

In McHenry county domestic science has been introduced into many rural schools and into some of the graded schools, with a printed leaflet of instruction for rural teachers. It is planned to have a club in every township; some townships are already doing enthusiastic work. Macoupin county is the first to buy and pay for a domestic science club room. Jersey county has a sewing school for small girls, the domestic science club furnishing all materials and paying the teacher.

Champaign county has the largest number of clubs, ten, in as many towns, all doing good work. At a general meeting of the club it was recited that during the nine years the county has been organized domestic science training in schools has come to be appreciated by parents and educators all over the land, and the county superintendent of schools was asked to arrange, as soon as possible, for the introduction of household science and art and manual training into all the schools of the county.

A number of clubs are using a \$13.50 library on home economics, which is very good and comprehensive. It is condensed and divided into lessons for the use of clubs. Some of the books are: "The House, Its Plan, Decoration and Care," "Care of Children," "Home Management," "Care of the Sick," "Personal Hygiene."

Macoupin and Bureau counties each have seven clubs; McLean, Christian and Henry, each five; Cumberland, Clay, Greene, Grundy, Livingston, McHenry, each four; Kane, Perry, Stephenson and Shelby, three each; and twenty-three counties each have two clubs. More clubs have been organized this year than last. Comparatively better interest in the work was found in counties visited by the secretary.

The state association has a library of valuable books on domestic science available, free, for the use of local clubs, and they are urged to apply for these books. Knowledge is better than all the laws that can be made. Let us form the habit of reading and investigating, and seek to know the truth about questions that come to us. The great need is that women everywhere should learn that the processes of cooking and cleaning are based upon the scientific truths of physics and chemistry.

Science has transformed "The man with the hoe" in giving him the "upward looking and the light" by putting understanding in the place of dull routine. Modern inventions have helped him to secure the best results with small outlay of strength. Science can help women also in their every day work if they understand how to have their houses sanitary and comfortable, the food nutritious and the clothing hygienic and appropriate.

The study of household science will furnish information in regard to the best development of the children in the home, physically, mentally and morally. Children do not form character and mould destiny by chance, and there is no greater need today than that of an educated motherhood; not an educated womanhood in the sense of intellectual training and fine scholarship, but the knowing how to be a good mother. Formerly we have trained children and reformed the wayward. Is it not infinitely better to educate ourselves so that we may know how to train and thereby have less to reform?



## SCIENTIFIC

### DRIED MILK.

Dried milk has lately become a considerable article of commerce. It is used to a large extent by bakers, manufacturers of cereal breakfast foods (as a binder), and particularly by the manufacturers of the milk chocolates extensively sold as confectionery.

The dried milk on the market is a product varying in appearance according to the method of preparation. Normally it constitutes a yellowish-white, coarse powder of characteristic odor and pleasant taste. Unless prepared and packed for shipment in a careful manner it does not keep well. Exposed to the action of atmospheric oxygen and to the activity of micro-organisms it is liable to suffer decomposition, which is evidenced by a cheesy odor or even a rancid smell. Much of the dried milk recently sold has been of inferior quality, but the experience gained in the preparation of this article within the last few years has suggested a number of improvements in working methods, with the result that a dried milk of very satisfactory properties can be produced.

The object of the first manufacturers of dried milk was simply to get rid of the water to such an extent that the product would be not easily subject to decomposition on storage and would be easy to handle. The evaporation was conducted in open vats by blowing air through the milk at a temperature of 60° to 90° C. and this method is still pursued by some dryers. Vacuum dryers for evaporating milk soon made their appearance.

In both open and vacuum dryers the milk is reduced to a semi-solid mass of pasty consistency. Many dryers finish the evaporation by transferring the mass to a vacuum drum where it is spread out on perforated shelves. The water content is usually reduced to seven or eight per cent. After dessication the milk is run through a mill and ground to a powder. Various forms of shipping packages are adopted, the simplest being oiled paper receptacles; the best way to secure the maximum durability is to place the dried milk in hermetically sealed cans.

Various improvements in drying methods have come into use and are protected by patents. Not all of these, however, are designed to turn out an article of the highest attainable quality. In some works coagulants, as ammonium sulphate, are added to the milk. This immediately causes a separation of the casein and fat from the watery constituents; the moist, granular precipitate is then drained and subjected to light pressure to remove excess of adhering liquid, after which it is dried in the vacuum drum as usual. The watery fluid, containing the milk sugar, etc., is then rapidly evaporated to dryness and recombined in the grinding mill with the casein and fat. In point of time and cost, this procedure effects considerable saving, not a few dryers, however content themselves with merely dessicating the precipitated casein and fat; the operation of recovering the milk sugar is too often regarded as a needless expense. As more or less of the butter-fat in the milk is generally removed before drying the product of dryers of this type is of an inferior grade, being hardly better than dried casein.

Certain trades, particularly confectioners manufacturing high class goods, require a genuine dried milk, made from whole milk with nothing added or subtracted (except the water). To produce a dried milk with satisfactory properties was at first a matter of some difficulty. If for the sake of rapid drying a temperature above 50° or 60° C. was employed the casein became to some extent denatured, and when the milk later came to be regenerated by being stirred up with warm water it did not form a smooth, permanent mixture. The butter-fat, when present at all, presented a farther difficulty. The process of drying, as heretofore carried out, takes from the milk its character as a perfect emulsion; when ordinary dried milk is regenerated with warm water the butter-fat does not re-emulsify, but quickly floats on the surface as an oily mass.

The first mentioned difficulty—the tendency of the casein to become denatured on drying—was overcome by employing lower temperatures (not above 50° C.). The addition of about two per cent of cane sugar before drying has been

found to facilitate the reconversion of the dried casein into a colloidal suspension when stirred up with warm water. Neutralization of the original acidity of the milk (using about 0.3 per cent of sodium bicarbonate) tends toward the same result. The second difficulty—the tendency of the butter-fat of the regenerated milk to float on the surface—was gotten around by putting the milk through a process of "homogenization" or "fixing." By homogenization is understood an operation by which the fat granules of the fresh milk, which normally have an average diameter of about 0.01 mm., are broken up by mechanical means to such an extent that their average diameters are reduced to 0.0008 mm. Milk so homogenized retains its butter-fat in an emulsified condition even after prolonged standing. Dried homogenized milk—particularly if it has been treated as above indicated to prevent denaturation of the casein—redissolves perfectly in water, forming a liquid which does not differ appreciably from fresh milk. Homogenization is effected by violently agitating the milk by specially constructed paddles revolving in opposite directions at high rates of speed. The addition of a small quantity of sodium bicarbonate facilitates the process of homogenization; the violent agitation breaks up the granules while the small quantity of soot formed by the interaction of the soda and the fatty acids of the milk assists in preventing a re-coalescence of the broken fat particles.

In the more modern milk drying plants the flat vacuum drying pans are being supplemented to some extent by special devices. An inventor has patented a process wherein the milk is fed in a thin broad stream on to a heated, revolving drum, the object being to drive off most of the water while the milk is exposed in a broad thin layer. In another device the milk is fed on to a rapidly revolving disk in a vacuum chamber. The milk is thrown into a very fine mist by the centrifugal action of the disk, with the result that a very large part of the water is quickly removed. Other devices designed to produce a fine spray in a vacuum have been patented; one such patent relates to a device for saturating the milk (or any other fluid of similar nature) with compressed air and then forcing it into a fine stream into a vacuum chamber. The sudden rarefaction of the compressed air is said to produce great evaporative effect. Considerable success has been attained without the use of a vacuum by simply spraying the milk in the form of a fine mist into a rapidly moving current of warm air.

Dried milk keeps best when compressed into brick form. This reduces to a minimum the action of atmospheric oxygen on the casein and the butter-fat. The dried milk keeps still better when it is packed into hermetically sealed cans. Well made and well packed dried milk will keep a long time, will bear transportation over long distances, and can be regenerated by adding a suitable amount of warm water. Poorly made dried milk is scarcely more soluble than cheese.

Dried milk, regenerated with water, has been seriously recommended as being suitable for feeding infants. A number of authorities (Somerville, Jaquet, Krull, Knisel) have experimented on the physiological and other properties of dried milk. According to these authors regenerated dried milk has a smaller acidity than fresh milk and they state that this acidity does not appreciably increase even after seventy-two hours. Digestion experiments in glass with pepsin and hydro-chloric acid and with gastric juice and hydrochloric acid gave favorable results. When coagulated with rennet, regenerated milk powder gave a granular coagulum similar to that of coagulated human milk. The addition of small quantities of calcium chloride causes the formation of cheesy curds. In pancreatic digestion (trypsin and sodium carbonate) milk powder is more easily digested than fresh milk. According to some of these authors the use of dried milk in nourishing infants and children is quite feasible. Several high-priced American infant foods contain dried milk as an important constituent.

It may be of interest to dairy inspectors to state here that the process of homogenizing milk, originally devised by the milk dryers, has found a fraudulent application. Not only is butter-fat capable of being broken up into extremely small globules, but other fats as well. This fact has afforded unscrupulous milk dealers the opportunity of withdrawing from their milk as much of the fat as the centrifugal will remove. The genuine fat is then turned into butter, but instead of selling the residual skim milk for what it is, they homogenize it with other animal fats, chiefly cotton seed oil and tallow, and sell it as whole milk. Such milk, when subjected to the ordinary routine and analysis, shows the usual fat content of normal milk and the fraud is not ap-



writ of monition and attachment, under which the marshal will seize the goods. Let us suppose that this carload of goods is seized. It is a thousand miles away from your home in Chicago. You have no attorney in Denver, and if you attempt to defend your goods you must go a thousand miles away from home among strangers to get your rights. The government has its own attorney on the spot. It does not cost it any more in so far as the attorney is concerned to fight the case in Denver than it does anywhere else. The government is just as much at home there as anywhere else. It has practically as much of an advantage there as it would have anywhere else. You have almost every disadvantage. The government has possession of the goods. Your customer has not received the goods and will not pay for them, or if he has paid for them, demands his money refunded. In addition, he may be highly incensed because your goods were found in his possession and have been seized by the government as illegal. Then your customer is also without the goods, and will probably fill his order somewhere else. If you desire to defend the goods you must leave them in the possession of the government. In the meantime heavy costs are piling up for storage of the goods, for insurance on the goods, for custodian's fees, for notices published by the government in newspapers and for court costs of several kinds. Then if on the trial of the case you are so unfortunate as to lose the case and desire to appeal to a higher court, you must still leave the goods in the possession of the government with the prospect of leaving them there for a year or so until your case can be decided upon appeal, and with the prospect of the costs accumulating all this time, and with no prospect of getting anything for loss sustained by reason of the deterioration of the value of the goods, while stored, or the return of any money you may spend in defending the goods, even if you are successful on appeal. If you win on appeal, all you can hope for is a vindication of your goods, and the return of the goods in whatever condition they may then happen to be.

I do not desire to overdraw this picture, but the picture would not be complete if I failed to call attention to the damaging newspaper notoriety you and your goods receive the moment they are seized by the government. The effect of this notoriety is two-fold, first, it injures you and your product with your trade and gives your competitors an advantage; and secondly, it has the effect of causing many state food commissioners and food inspectors to condemn your goods throughout the several states, especially those commissioners who are always ready to follow the lead of the government. These commissioners will point to the charge made against the goods by the government and in turn make the same charge against the goods themselves, and do it more readily and openly because they feel they are strengthened in their position by the charge made by the government.

Thus it will be seen that what may be a very small and technical charge on the part of the government in the beginning, against your goods, may ramify until you find yourself in trouble from ocean to ocean.

It seems to me that these matters are good food for thought, and with such a condition of affairs existing, with so many obstacles in the way of defense of food products in court, and with so many attendant evils following a prosecution, that aside from the question of right or wrong a manufacturer in the exercise of ordinary business prudence should leave no stone unturned in his efforts to have his goods comply, first, with the provisions of the National Food Law, and second, with the provisions of every other food law under whose operation they are likely to come. Frequently the charges made against the goods themselves, and especially against labels, are purely technical. In so far as the manufacturer is concerned in many instances, he would just as gladly have his labels read the particular way the officials desire as not, and the only reason his labels get into trouble is because he does not foresee the view the officials will take of the label. This particular difficulty may be overcome by a little care and inquiry on the part of the manufacturer, and through it a whole lot of trouble and expense which he does not and would not under any circumstances vite or incur may be avoided. Therefore I can give you no better advice along these lines than to tell you that it is wise to keep up with the progress of food law work, and keep posted on the little points equally as much as on the big ones.

I do not wish to be understood as advocating the theory that a manufacturer should ascertain what any or all of the food officials desire him to do and then do what they desire without question. On the contrary, I would deplore such a

proceeding and consider it ruinous to the food industry of the country. But what I do desire to be understood as advocating is that the food manufacturers should consider well and carefully all of the things the food officials, both State and National, are today demanding, and comply with those demands in just so far as they believe the food officials are right or within the bounds of reason. But when a manufacturer has reason to believe that the food officials are making demands on him that are not within the bounds of reason and are not within the bounds of right or law, then it is his duty to defend his right and refuse to submit to unreasonable demands. Every manufacturer, in my opinion, is conscious of what his rights are if he will only be fair and honest with himself, and he should be jealous of his rights and not permit them to be encroached upon or taken from him.

As I view the situation, the surest guarantee of relief and a settled condition of affairs in food law matters is that the manufacturers keep closely to the right in so far as lies within their power, and to defend in court any unjust intrusion. By so doing they will place themselves in a position of being likely to win whatever cases may be brought against them, and by winning they will bring about a condition of affairs where the food officials will understand that the courts are not going to split hairs or put men in jail or deprive them of their property or rights on mere technicalities or theories and without thoroughly apparent and just cause.

Some of the points that are troublesome because of their fineness are gradually being settled by the courts, and it is in this way that the greatest amount of relief is going to come.

There are many features of the laws, or at least, of the construction being placed upon them that are unreasonable, and doubtless will be overruled in the course of time. But a manufacturer whose goods are in fact misbranded or adulterated is never in a position to take advantage of such unreasonableness. If his goods are not what they ought to be, or are not labeled properly, he has little standing in court or anywhere else, and no judge will decide anything in his favor if he can help it.

The only manufacturer who is in a position to question rulings and to demand his rights is that manufacturer whose goods comply with any reasonable construction of the law. Such a manufacturer need have no fear. And if it should be the misfortune of any member of this association to be compelled to defend his goods in court, my best wish to him and to all of you is that he will be found in this class.

### URUGUAYAN TABLE FRUIT.

#### The Guayba Suggested for Growing on American Soil. f

Growing plentifully in all parts of Uruguay, Consul Frederick W. Gooding, of Montevideo, says, is a plant locally called "guayba" (*Feijoa sellowiana*), which he thinks might be grown in the United States and which he describes:

In a general way the plant resembles a cactus. The bright red flowers form at the edge of the thick, fleshy leaves, at the base of which flowers the fruit is formed. The fruit resembles and is about the size of a fig, some being round and others olive shaped, green, red, or blue in color, and covered with fine, sharp, irritating nettles which disappear under cultivation. The outer skin of the fruit is similar to that of the fig, but firmer. The interior is filled with a most luscious red, white, or blue sweet pulp, the flavor resembling that of the muskmelon, while an odor emanates from the unbroken fruit like that of a fresh apple.

The plant grows well, but must be protected from violent winds. Plants  $3\frac{1}{2}$  feet high sell for 83 cents each, the seeds about 35 cents per ounce, postage extra. A list of Montevideo dealers is on file at the Bureau of Manufactures. Were this delicious fruit introduced into the United States it would be a valuable addition to the list of table fruits used there. [The Uruguayan fruit in question is now being tested near Los Angeles, Cal. It is of a tropical nature, enduring only small degrees of frost, similar to the guava, and could also probably be successfully grown in southern Florida, Porto Rico, Hawaii and the Philippines.—B. of M.]

It is not too early to commence thinking about arrangements for the Denver Convention. Better notify Commissioner Cannon that you will be present and to make reservations of rooms at the convention headquarters.



parent until the separated fats are subjected to a chemical examination.

Large consumers of dried milk usually purchase their supplies from the driers on the basis of analysis. This is necessary on account of the temptation to remove more or less of the cream for butter making, and to employ quick methods of drying, such as the use of coagulants to separate the fat and casein from the water. The points to which especial attention is paid in analysis are: solubility, odor and taste (indicating absence of decomposition) and fat content; the latter is important for the chocolate manufacturers. In case whole milk has been dried the fat content should not be less than 20 per cent of the water-free substance. When dried milk first appeared in commerce some difficulty was experienced in finding of a method of analysis which would give reliable results in the fat determination. The most successful method seems to be that presented by Haupt (Zeitschrift).

The sample is finely ground and well mixed. One grain of the air dried substance is placed in the burette of Robrig's modification of a Gottlieb-Rose apparatus and vigorously shaken for from three to five minutes with 9 c.c. of warm water; 2 c.c. of 15 to 20 per cent ammonia water is next added and the shaking repeated until solution is practically complete. After one or two minutes 10 c.c. of 96 per cent alcohol are added and the mixture is again shaken; 29 c.c. of ether are next added, the mixture is shaken, allowed to stand a minute or so, when 25 c.c. of petroleum ether are added; another shaking follows, after which the mixture is allowed to stand until complete separation between the aqueous and ethereal layers occurs, which usually requires two or three hours. An aliquot part of the ethereal layer is withdrawn, the ether is evaporated off at a low temperature, and residual fat is dried to constant weight at 100° C. This method has been found necessary because the ordinary Soxhlet extraction always gives too low results. The content of milk sugar may be determined according to Richmond (Analyst, 31, 219); 10 grams of the milk powder are rubbed to a paste with hot water, and a little ammonia, and made up to a volume of 100 c.c., after which the milk sugar may be determined polarimetrically in the usual manner. The determination of saccharos albuminoids and mineral matter present no special difficulties.

#### ADDRESS OF THOMAS E. LANNEN—BEFORE THE NATIONAL CONFECTIONER'S ASS'N.

The subject on which I have had the pleasure of addressing this convention today affords me all the more pleasure because of the fact that I know I am addressing a body of men who will receive it in the spirit in which it has been conceived and welcome the advice I give; and it is a pleasure also because of the fact that of all the industries in the land, the confectioners have the least need for the admonition. What I desire to address you on is the necessity of complying with the law.

The passage of the National Food Law was the dawn of an era of renewed and extended activity in the enforcement of all of the laws relating to the sale of food and drugs and drinks. Not only did it seem to put new life into all of those states which already had workable food laws, but it seemed to spread the contagion into those states that before that time had no such laws, or at least were not aware of the fact that they had such laws, until today there is not a state in the union which has not a food law of some kind, and some official in some way, either actively or passively, connected with its enforcement.

The National Food Law did more than to arouse a widespread interest in the enforcement of food laws throughout all of the states, because the officials charged with the enforcement of that law, as soon as its enforcement began, drew lines of distinction between legal labels and misbranded labels, and legal foods and adulterated foods, that up to within a year or so ago were never dreamed of, even by the most radical and most theoretical hairsplitters among the commissioners. It seems strange, but it is a fact nevertheless, that during all the years in which food laws have been in force in some of the older states, and under the control of some of the most radical commissioners in the country, articles of food were permitted to circulate without let or hindrance, and their legality never questioned, that today are condemned wherever found under those selfsame laws. The only explanation can be, and it is, as stated before, that with the coming of the National Food Law, new dogmas were adopted into the food law creed.

Then again the agitation has manifested itself in the form

of increased legislative action, as is shown by the fact that never before in the history of the country has there been such a large number of food laws introduced into a single session of the legislatures of the several states as there has been during the session of the legislatures which opened about the first of January of this year and which have now adjourned or are about to adjourn.

The result of all of these things is that the manufacturer of food products today is confronted with more pitfalls and more chances for trouble with his products or with his labels than ever before in the history of the country.

In the first place, he has to contend with and consider more food laws and a greater variety of food laws than formerly; secondly, the interpretation placed upon all of the food laws by practically all of the food commissioners is more theoretical and technical than heretofore, and in addition to this, the substances that today are considered as adulterants in any food product are more numerous than ever before.

These facts show you the extended scope in the operation of the food laws, and the broadened definitions of adulteration and misbranding, and that is one reason why a food manufacturer should be more wary than ever before. But there is another point that challenges more attention than anything which I have just stated, and it is the fact that the food officials are in a better position today to enforce their construction of the meaning of food laws than they ever have been before. The officials charged with the enforcement of the National Food Law are equipped with a very efficient force to carry that law into effect, and are favored in that respect by some provisions of the law itself which give them every possible advantage and the food manufacturer practically every possible disadvantage. As a consequence of this, the government has been most successful in securing convictions and enforcing its construction of the meaning of the federal law. This success of the government has also put backbone into many of the state commissioners and they in turn have found many and various new ways to enforce the construction placed upon their own laws.

It might be well to consider here at this point some of the disadvantages that a manufacturer is confronted with if he attempts to defend his goods.

Let us suppose for a moment that the government inspectors have picked up a sample of one of your products. It is sent to a government chemist in the locality in which the sample was picked up. The chemist analyzes it, or examines the label, and reaches the conclusion that the product is misbranded. A notice is then sent to your customer from whom the sample was taken, which notice contains a charge that the product is misbranded, and gives the reason why, and the customer is notified that on a certain day at a certain hour he may appear before that chemist or some government chemist nearest to his location and offer any evidence he may wish tending to show that the label is legal and the government's charge erroneous. You as a manufacturer are also served with a similar notice and given a similar chance to be heard. The local government chemist receives any evidence or statements you may make or your customer may make, and these are forwarded to a board in Washington which acts as a kind of a sifting committee to pass upon what cases shall be prosecuted and what ones shall not. Let us suppose that this committee by a process of reasoning of its own decides that your label is illegal, and that notwithstanding the evidence and statements you have submitted, a prosecution should be brought against you or against your goods. Now two courses of proceeding are open to the government: First, they may have you indicted by the federal grand jury in the district in which you live for having shipped the product in interstate commerce. If you are indicted, you must stand trial and defend yourself in a criminal prosecution in which, if you are convicted, you may be punished by a fine for the first offense and not exceeding two hundred dollars, and for each subsequent offense not exceeding three hundred dollars, or be imprisoned not exceeding one year or both, in the discretion of the court. And right here it is safe to say that if you are found guilty in the Federal Court the punishment will follow the conviction. Second, the government may proceed against the goods themselves, in which case they will wait until you have shipped some of the goods, let us say, from Chicago to Denver, Colorado, and have delivered the goods to your customer in Denver. As soon as the goods have been delivered to the customer and are stored in his warehouse or store, the U. S. attorney in Denver will file a libel and information against the goods in the United States court charging them with being misbranded and asking for a



### KANSAS PERMITS THE SALE OF BLEACHED FLOUR WHEN PROPERLY LABELED.

The Kansas State Board of Health has felt that inasmuch as the question whether or not the use of bleached flour was deleterious to the health of the consumer was still an open one, not yet having been fully and definitely determined, that Kansas should not go to the extent of prohibiting the manufacture or sale of bleached flour in this state. They have, however, always believed that flour that has been artificially bleached should be branded as such, in order that there may be no deception practiced, and that the consumer might have the information and therefore exercise a choice as to whether he would purchase the bleached or unbleached flour.

Accordingly, at the annual meeting of the State Board of Health, held June 1, 1909, the following regulation was unanimously adopted, and was afterward published in the official state paper June 8, 1909:

"Food products which have been colored, bleached or otherwise treated, and are by reason of such treatment liable to be regarded as superior in quality, or liable to deceive in respect to their nature or origin, shall bear a statement of such treatment on each wholesale package, and on each retail package or container as delivered to the consumer."—Regulation 10, paragraph f.

Dealers in flour in this state are cautioned that this regulation is in full force and effect and should govern themselves accordingly.

Millers who have discontinued the use of the bleacher are permitted to have until August 1, 1909, to dispose of stocks on hand. Millers who have not, and do not expect to discontinue the use of the bleacher, are required to brand all flour on hand or manufactured in the future, in compliance with the regulation.

### HEINZ & CO. KNOW.

Heinz Co. claims that preservatives are added to foods to cover uncleanly methods of manufacture and they ought to know, for until two years ago all goods put up by that house were doped with preservatives usually with the one generally believed to be the most harmful, salicylic acid. They now claim to use only one approved by Dr. Wiley. By all means Pennsylvania should push that sanitary bill or move Pittsburg into another state.

The Illinois Pure Food Commission Report for 1909 is at hand and will be reviewed in an early issue of the American Food Journal.

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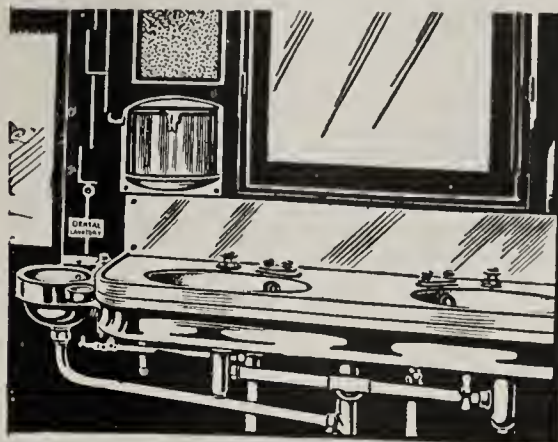
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## DENTAL LAVATORIES.

### The "Alton's" Latest.

Did you ever notice the ugly habit in sleeping cars of people cleaning their teeth in the regular lavatories? The new equipment of the Chicago & Alton Railroad presents an inviting change in that respect. New Pullmans have a neat little dental



lavatory for this purpose exclusively; and more that the water, instead of chilling sensitive teeth, has the chill removed. A rinsing apparatus for automatically cleansing the bowl is also a feature, and separate water glasses are provided. A traveler recently said: "If for no other reason, I'd travel over the Alton just for this new idea." It's a big advance, but not the first made by the popular C. & A., which is the pioneer Pullman sleeping car line, the pioneer dining car line and the pioneer reclining chair car line.

*News Item, not an Advertisement*—For the information of the editor. If cut to illustrate is desired, please address

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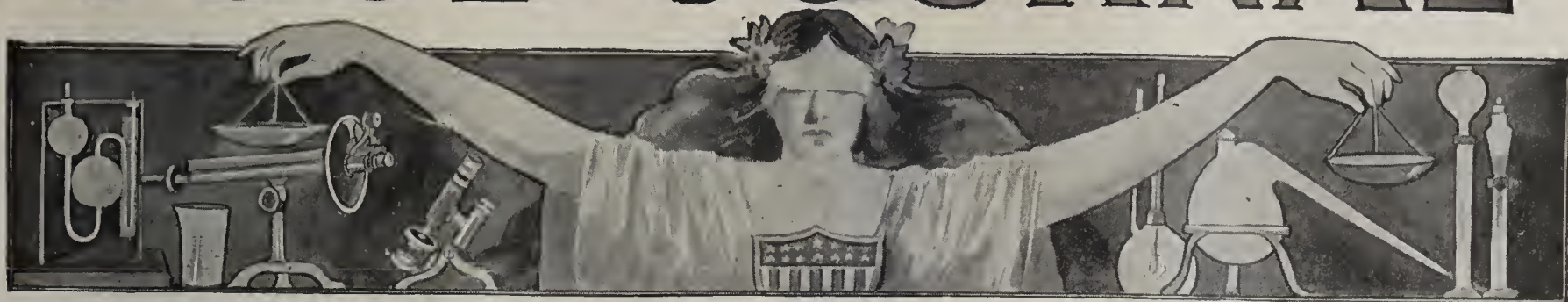


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# THE AMERICAN FOOD JOURNAL



Vol. 4. No. 8.

CHICAGO, AUGUST 15, 1909.

Monthly, \$1 Per Year.  
10c Per Copy.

Official Programme  
of the  
Thirteenth Annual Convention  
of the  
Association of State and National Food and  
Dairy Departments.  
at  
Brown Palace Hotel, Denver, Colorado, August 24-27 inclusive.

**ROUTE AND TRAIN SERVICE TO THE CONVENTION OF THE ASSOCIATION OF STATE FOOD AND DAIRY DEPARTMENTS.**

The Thirteenth Annual Convention of the Association of State and National Food and Dairy Departments is to be held at Denver, Colorado, August 24th to 27th, 1909. The fare for the round trip from Chicago is \$30.00 via the Chicago and Northwestern Union Pacific Line, who have placed a special car for the exclusive use of those attending the Convention on their No. 11 train (Colorado Special), which leaves Chicago on Saturday and Sunday mornings, August 21st and 22d, at 10 a. m., and arrives at Denver on Sunday and Monday afternoon, August 23d and 24th, at 2:30 p. m., and on their No. 1 train Overland Limited, which will leave Chicago on 5 p. m., Sunday, August 22d, and arrive at Denver at 9:30 p. m., on Monday evening, August 23d. Both of these trains are equipped with electric light and is the only double track, automatic safety signal line, between Chicago and the Missouri River. Full information on application to H. A. Gross, General Agent, Pass. Dept., 212 S. Clark St.

We wish to inform our readers and it is not generally known that tickets at the rate made for this occasion may be purchased through to Colorado Springs or Pueblo, via Denver and the Colorado & Southern Railway, at the same rate as to Denver. By purchasing tickets through to Colorado Springs or

Pueblo it will enable you to visit the points of interest south of Denver, viz., Manitou, Pike's Peak, Garden of the Gods, etc., without any additional expense for transportation. These tickets permit of stop-over at Denver both going and returning, giving ample time to attend the Convention and take in the various side trips. We advise all those attending the Convention who have never enjoyed this trip to take advantage of it.

**ENTERTAINMENT TO BE FURNISHED TO VISITING DELEGATES AND THEIR FRIENDS.**

Through the warm welcome western spirit as embodied in Commissioner W. F. Cannon of Colorado, and through his kindly influences, the Convention League of Denver has appropriated \$500.00, and the Manufacturers' Association of Denver has appropriated a like amount towards the entertainment of the delegates and their friends to the Thirteenth Annual Convention of the Association of State and National Food and Dairy Departments. This \$1,000.00 will be spent in entertaining the delegates and their friends in accordance with suggestions made by Commissioner Cannon. The programme which he has outlined is as follows:

On Wednesday, August 25th, the convention will take a recess for that entire day and a complimentary trip will be given over the Moffat Railroad to the dome of the continent, practically twelve thousand feet above the sea level amid banks of snow. This is the newest and probably safest, grandest and most



pleasant trip of the mountain excursions of Colorado. After the close of the excursion on that day there will be a complimentary dinner at sunset at Lakeside Park in an open pavilion fronting the setting sun behind the mountain range. Lakeside is an amusement park and is one of the most beautiful in Colorado and this magnificent background of the Rocky Mountains with a very pretty lake between will be magnificent to contemplate. The dinner will be on the balcony in the open air, public speaking or addresses will not be desirable on this account, and the guests will be at liberty to leave the table and wander about the grounds or take the street cars for the city at their pleasure.

#### PROPOSED TROLLEY TRIP AROUND THE CITY.

On the 26th, at 5:30 p. m., the Local Committee Propose Giving the Delegates and Their Friends a Trolley Trip Around the City.

#### HOTEL RATES AND HEADQUARTERS.

After carefully considering the safety and comfort of our guests, by virtue of authority vested in me by the Executive Committee, I have selected the Brown Palace Hotel, Denver, Colorado, as official headquarters for the convention. Rates, plain room for one, without bath \$2.00 per day, two in a room \$3.00; with bath \$3.50 for one, two in a room \$5.00. These are the minimum prices, and in the plain rooms; delegates may desire to pay a trifle more to secure choice rooms. European plan; no American plan in connection with this hotel. I can secure rooms for any who do not desire to pay these prices at near-by hotels and rooming houses, practically as good as the plain rooms in the hotel, for \$1.00 per day and upwards. Restaurant and hotel prices for meals are practically the same as in any city. Good meals can be secured at nearby restaurants, first class, from \$0.35 up. All requests for reservations sent to me will be turned over to the Brown Palace Hotel and they will correspond with the applicants personally. I will take extraordinary pains to see that every delegate or guest is located according to his desire and means, if they will furnish me with their wishes in the matter.

WILBUR T. CANNON,  
Commissioner.

#### PROGRAM OF COMMITTEE MEETINGS.

##### MEETING OF MODEL FOOD LAW COMMITTEE.

Monday, August 23rd, 1909.

There will be a meeting, Monday, August 23, 1909, at 10 a. m., at the Brown Palace Hotel, of the committee appointed by the Association of State and National Food and Dairy Departments, to draft a Model Food Bill.

This meeting will be held at Denver, Colo., in connection with the meeting of the Association, and manufacturers interested will be given an opportunity to appear before the committee and make any statement or suggestion with regard to the provisions of the proposed Model Food Bill.

We ask that all statements and arguments be substituted in typewritten form and, if possible, that the same be submitted to a member of the commit-

tee before the meeting at Denver, in order that the committee may have an opportunity to consider the suggestions.

The time will be limited to five minutes, for each speaker, who appears before the committee.

Signed, E. F. LADD,  
Chairman of Committee.

Committee: M. A. Scovell, Lexington, Ky.  
R. A. Pearson, Albany, N. Y.  
A. C. Bird, Lansing, Mich.  
James Foust, Harrisburg, Pa.  
R. M. Allen, Lexington, Ky.  
W. D. Bigelow, Washington, D. C.

##### MEETING OF COMMITTEE ON MODEL SANITARY FOOD PRODUCTION AND DISTRIBUTION BILL AT THE BROWN PALACE HOTEL.

There will be a meeting at Denver, Colorado, Monday, August 23, 1909, at 10 a. m., at The Brown Palace Hotel, of the committee appointed by the Association of State and National Food and Dairy Departments to draft a Model Sanitary Bill.

This meeting will be held in connection with the meeting of the association, and all who are interested in the measure will be given an opportunity to appear before the committee and to make any statements or suggestions which will be of assistance to it. The scope of the proposed law is so broad and its importance so great, that the committee hopes all interests affected by the measures will be present to assist in its deliberations.

All statements, briefs and arguments should be submitted in typewritten form and if possible should be presented to a member of the committee before the date set for the meeting, in order that a full opportunity may be given for discussion of the suggestions.

H. E. BARNARD,  
Chairman of Committee.

Committee: H. E. Barnard, Indianapolis, Ind.  
E. H. S. Bailey, Lawrence, Kansas.  
Charles D. Howard, Concord, N. H.  
George L. Flanders, Albany, N. Y.  
L. Davies, Davenport, Washington.  
J. H. Worst, Fargo, N. D.  
T. J. Bryan, Chicago, Ill.

##### COMMITTEE ON PRESERVATIVES

Meets at Brown Palace Hotel at 9 A. M., August 23rd.

Dr. M. A. Scovell, Kentucky, Chairman.  
Prof. W. M. Allen, North Carolina.  
Dr. E. H. S. Bailey, Kansas.  
Prof. H. E. Barnard, Indiana.  
Dr. Richard Fischer, Wisconsin.  
Prof. Julius Hortvet, Minnesota.  
Prof. M. E. Jaffa, California.  
Prof. E. F. Ladd, North Dakota.  
Prof. Floyd W. Robison, Michigan.  
Prof. James H. Shepard, South Dakota.  
Dr. Charles D. Woods, Maine.

##### COMMITTEE ON FOOD STANDARDS

Meets at 9 A. M. Monday August 23 at Brown Palace Hotel

Committee on Food Standards.  
Dr. Richard Fischer, Chairman, Madison, Wis.  
Prof. Elton Fulmer, Pullman, Wash.  
Dr. M. A. Scovell, Lexington, Ky.  
Dr. E. H. Jenkins, New Haven, Conn.



Prof. H. E. Barnard, Indianapolis, Ind.  
 Prof. James H. Shepard, Brookings, S. D.  
 Dr. Charles D. Woods, Orono, Maine.

## PROGRAM.

**Tuesday, August 24, 10 A. M.**

Addresses of Welcome:

His Excellency, John H. Shafroth, Governor of Colorado.

Hon. Robert W. Speer, Mayor of Denver.

Dr. Hugh L. Taylor, Secretary and Executive Officer, Colorado State Board of Health.

Response:

Hon. A. C. Bird, State Dairy and Food Commissioner, Michigan.

President's Annual Address:

J. Q. Emery, State Dairy and Food Commissioner, Wisconsin.

Report of Secretary.

Report of the Treasurer.

Appointment of Committees.

**Tuesday, August 24, 2 P. M.**

The Most Salient Features in the Food, Dairy and Drug Control Work of the Respective States—Five minute speeches:

Prof. M. E. Jaffa, Director State Food and Drug Laboratory, State Board of Health, Berkeley, Cal.

Hon. Wilbur F. Cannon, State Food Commissioner, Denver, Col.

Hon. Robert L. Cochran, Dairy Commissioner, Denver, Col.

Hon. Robert L. Cochran, State Dairy Commissioner, Hartford, Conn.

Hon. Alexander Lober, Secretary and Executive, State Board of Health, Wilmington, Del.

Hon. Wm. C. Woodward, Health Officer, Washington, D. C.

Hon. Thos. G. Hudson, State Commissioner of Agriculture, Atlanta, Ga.

Hon. James H. Wallis, Dairy, Food and Sanitary Commissioner, Boise, Idaho.

Hon. A. H. Jones, State Food Commissioner, Chicago, Ill.

Dr. H. E. Barnard, State Food and Drug Commissioner, and chemist in charge, Indianapolis, Ind.

Hon. H. R. Wright, State Food and Dairy Commissioner, Des Moines, Ia.

Dr. S. J. Crumbine, Secretary State Board of Health and Chief Food and Drug Inspector, Topeka, Kans.

Hon. R. M. Allen, Head of Food Division, Agricultural Experiment Station, Lexington, Ky.

Dr. D. Harvey Dillon, President State Board of Health and *ex-officio* Food Commissioner, New Orleans, La.

Dr. Charles D. Woods, Director Experiment Station, *ex-officio* Food Commissioner, Orono, Me.

Dr. Wm. H. Welch, President State Board of Health, 10 South St., Baltimore, Md.

Dr. Hermann C. Lythgoe, Analyst State Board of Health, Boston, Mass.

Hon. A. C. Bird, State Dairy and Food Commissioner, Lansing, Mich.

Hon. Andrew French, State Dairy and Food Commissioner, St. Paul, Minn.

Dr. Wm. P. Cutler, State Food and Drug Commissioner, Columbia, Mo.

Dr. Wm. Tracey, President Meat and Milk Inspection Board, Helena, Mont.

Hon. S. L. Mains, Deputy State Food Commissioner, Lincoln, Neb.

Sanford C. Dinsmore, B. S. State Chemist, in charge of Department of Food Control, Reno, Nev.

Dr. G. P. Conn, President State Board of Health, Concord, N. H.

Dr. R. B. Fitz-Randolph, Director State Laboratory of Hygiene of Food and Drugs, State Board of Health, Trenton, N. J.

Hon. Geo. L. Flanders, Assistant Commissioner and Counsel Department of Agriculture, Albany N. Y.

Dr. W. M. Allen, State Food Chemist, Department of Agriculture, Raleigh, N. C.

Dr. E. F. Ladd, State Food Commissioner and Chemist, Agricultural College, N. D.

Hon. R. W. Dunlap, State Dairy and Food Commissioner, Columbus, O.

Dr. J. C. Mahr, Secretary State Food and Drug Commission, Shawanee, Okla.

Hon. J. W. Bailey, State Dairy and Food Commissioner, Portland, Ore.

Hon. Jas. Foust, State Dairy and Food Commissioner, Harrisburg, Pa.

Hon. P. J. Gaskin, Chairman, Board of Food and Drug Commission, Providence, R. I.

Hon. Robert Wilson, Jr., Chairman State Board of Health, Charleston, S. C.

Dr. A. N. Cook, Food and Drug Commissioner and State Chemist, Vermillion, S. D.

Dr. Lucius P. Brown, Pure Food and Drug Inspector, and Director of Laboratory, State Board of Health, Nashville, Tenn.

Hon. J. S. Abbott, State Dairy and Food Commissioner, Denton, Tex.

Hon. Willard Hansen, State Dairy and Food Commissioner, Salt Lake City, Utah.

Hon. H. D. Holton, Secretary State Board of Health, Brattleboro, Vt.

Hon. Wm. D. Saunders, State Dairy and Food Commissioner, Richmond, Va.

Hon. L. Davies, State Dairy and Food Commissioner, Davenport, Wash.

Hon. Jas. O. Thompson, Secretary State Board of Agriculture, Charleston, W. Va.

Hon. E. W. Burke, State Dairy, Food and Oil Commissioner, Cheyenne, Wyo.

J. Q. Emery, State Dairy and Food Commissioner, Madison, Wis.

### Food Chemists' Conference.

Dr. E. F. Ladd, Chairman.

Methods That We Have Found Useful:

Dr. R. E. Doolittle, U. S. Inspection Laboratories, New York.

Vanilla Extract Analysis:

Dr. A. P. Sy, U. S. Food Inspection Laboratories, Buffalo, N. Y.

Address: Dr. A. E. Leach, U. S. Inspection Laboratories, Denver, Col.

The Vicissitudes of Pure Foods During a Quarter Century: Dr. M. E. Jaffa, University of California, Berkeley, Cal.

Some Investigations Concerning the Keeping Qualities of Sugar Syrups, Fruit Syrups and Crushed Fruits: Dr. H. E. Barnard, State Food and Drug Commissioner and Chemist in charge, Indianapolis, Ind.



Analysis and Chemical Composition of Commercial Catsups: Prof. Julius Hortvet, State Chemist, Minnesota Food and Dairy Commission, St. Paul, Minn.

Methods of Determining Residual Nitrates in Flour: Dr. A. S. Mitchell, U. S. Food Inspection Laboratories, St. Paul, Minn.

**Wednesday, August 25, 9 A. M.**

Address: A Model State Food Law, Dr. E. F. Ladd, State Food Commissioner, Agricultural College, N. D.

Address: Sanitary Inspection of Food Production and Distribution, Dr. H. E. Barnard, State Food Commissioner, and Chemist in charge, Indianapolis, Ind.

**Wednesday, August 25, 2 P. M.**

Executive Session.

**Thursday, August 26, 9 A. M.**

Discussion of the Report of the Referee Board of Consulting Scientific Experts on Sodium Benzoate: Dr. Ira Remsen, Chairman, Baltimore, Md.

Dr. Russell H. Chittenden, New Haven, Conn.

Dr. John H. Long, Evanston, Ill.

Dr. Christian A. Herter, New York, N. Y.

Report of the Committee of State Food Chemists, appointed by direction of the executive committee to review the experiments and conclusions of the Bureau of Chemistry, U. S. Department of Agriculture, of the Referee Board of Consulting Scientific Experts, and of the State Food Departments, on the subject of added benzoic acid or sodium benzoate to foods:

Dr. M. A. Scovell, Chairman, Lexington, Ky.

Dr. H. E. Barnard, Indianapolis, Ind.

Dr. Richard Fischer, Madison, Wis.

Prof. J. Hortvet, St. Paul, Minn.

Prof. M. E. Jaffa, Berkeley, Cal.

Dr. E. F. Ladd, Agricultural College, N. D.

Prof. Floyd W. Robison, Lansing, Mich.

Prof. Jas. H. Shepard, Brookings, S. D.

Dr. Chas. D. Woods, Orono, Me.

Some Queries Suggested by the Referee Report on Benzoate of Soda:

Dr. Charles A. L. Reed, Cincinnati, Chairman of the Legislative Committee of the American Medical Association.

Paper: Dr. Julius Eichberg, Pharmacologist, Cincinnati.

Some Effects of Sodium Benzoate: Dr. Daniel R. Lucas, Medical Department, Columbia University, New York City.

**Thursday August 26, 2 P. M.**

The Chemistry of Bleached Flour: Dr. H. W. Wiley, Chief Bureau of Chemistry, Chairman Food and Drug and Inspection Board, U. S. Department of Agriculture, Washington, D. C.

Paper: The Need of State Laws to Protect the Consumers' Meat Supply.

Prepared by Miss Alice Lakey, Chairman Food Committee National Consumers' League, Cranford, N. J.

Read by Mrs. Florence Kelley, Executive Secretary, National Consumers' League, 105 East 22nd St., New York City.

Address: Mrs. C. F. Amidon, Chairman Food Sanitation Committee, General Federation of Women's Clubs, Fargo, N. D.

Paper: The Abuse of Cocaine, Suggesting Methods of Restricting Its Sale, Dr. Wm. Jay Schieffelin, Schieffelin & Co., 170-172 William St., New York, N. Y.

The Needs of More Active Co-operation between

State and Federal Officials on Drug Products, Dr. Lyman F. Kebler, Chief, Drug Laboratory, Bureau of Chemistry, Department of Agriculture, Washington, D. C.

Organization and Work of the U. S. Branch Food Laboratories, Dr. W. D. Bigelow, Chief, Division of Foods, Bureau of Chemistry, Department of Agriculture, Washington, D. C.

Address: Hon. Wm. Judson, Representative of the National Wholesale Grocers' Association of the United States, Grand Rapids, Mich.

**Friday, August 27, 9 A. M.**

Soda Fountain Syrups and Crushed Fruits Without Preservative, Mr. W. P. Anderson, Secretary, J. Hungerford Smith Co., Rochester, N. Y.

The Preparation of Condiments Without Preservative, Mr. Chas. F. Loudon, President, The Loudon Packing Co., Terre Haute, Indiana.

Paper: The Advance Toward Higher Food Standards, Some Helps and Some Hindrances, Mr. L. S. Dow, of H. J. Heinz Co., Pittsburg, Pa.

The Relation to the Administration of Food Laws, State and National, of the Fundamental Principles Involved in the Controversy as to the Meaning of the Term "Whisky."

Dr. Wm. Frear, Chairman Joint Committee on Standards, Vice Director Penn. Agricultural Experiment Station, Chemist to Penn. Dept. Agriculture, State College, Penn.

Prof. Jas. H. Shepard, Member Committee on Food Standards, Chemist S. D. Agricultural Experiment Station, Brookings, S. D.

Dr. E. H. Jenkins, Member Joint Standards Committee, Director Agricultural Experiment Station, New Haven, Conn.

Some Important Facts Worthy of Consideration:

A. F. Merrell, President, The Oyster Growers' and Dealers' Association of North America, New York, N. Y.

Discussion:

Dr. W. D. Bigelow, Bureau of Chemistry, Washington, D. C.

Dr. S. J. Crumbine, Secretary State Board of Health, Topeka, Kans.

Hon. H. R. Wright, State Food and Dairy Commissioner, Des Moines, Ia.

**Friday, August 27, 2 P. M.**

Reports of Committees.

Election of Officers.

Unfinished Business.

**Officers of the Association.**

J. Q. Emery, President, Madison, Wisconsin.

H. E. Schuknecht, 1st Vice President, Chicago, Ill.

H. H. Kracke, 2nd Vice President, New York, N. Y.

W. M. Allen, 3rd Vice President, Raleigh, N. C.

R. M. Allen, Secretary, Lexington, Kentucky.

James Foust, Treasurer, Harrisburg, Pennsylvania.

**Executive Committee.**

The President and the Secretary, A. C. Bird, Lansing, Michigan; E. F. Ladd, Fargo, North Dakota; R. W. Dunlap, Columbus, Ohio.

**CONVENTION ATTENDANCE.**

The following parties have signified their intention of being present at the convention:

J. Q. Emery and wife, Wisconsin.

Geo. L. Flanders and wife, New York.

A. C. Bird and wife, Michigan.

E. F. Ladd and wife, North Dakota.



J. H. Worst and wife, North Dakota.  
 R. W. Dunlap and wife, Ohio.  
 Charles L. Thurber, Ohio.  
 James Foust and wife, Pennsylvania.  
 Secretary James Wilson and private secretary,  
 Washington, D. C.  
 A. D. Melvin, Washington, D. C.  
 George P. McCabe, Washington, D. C.  
 Dr. H. W. Wiley, Washington, D. C.  
 A. H. Jones, Illinois.  
 John B. Newman, Illinois.  
 Dr. T. J. Bryan, Illinois.  
 H. R. Wright, Iowa.  
 B. C. Iliff, Iowa.  
 Dr. Wm. P. Cutler, Missouri.  
 J. G. Abbott, Texas.  
 H. E. Barnard, Indiana.  
 M. McCoy, Indiana.  
 Charles D. Woods, Maine.  
 E. W. Burke, Wyoming.  
 Floyd W. Robison, Michigan.  
 Dr. M. A. Scovell, Kentucky.  
 R. M. Allen, Kentucky.  
 Dr. G. J. Crumbine, Kansas.  
 E. H. S. Bailey, Kansas.  
 Andrew L. French, Minnesota.  
 Dr. Julius Hortvet, Minnesota.  
 Dr. Wm. Frear and wife, Pennsylvania.  
 Dr. A. N. Cook, South Dakota.  
 Willard Hansen, Utah.  
 Herman Harms, Utah.  
 J. W. Bailey, Oregon.  
 Wm. D. Davidson, Richmond, Va.  
 H. D. Spears, Lexington, Ky.  
 Mr. and Mrs. H. A. Weber, Columbus, Ohio.  
 Hubert F. Potter and wife, Connecticut.  
 Tyler Cruttenden, Connecticut.  
 Dr. John Phillips Street, Connecticut.  
 Dr. E. H. Jenkins, Connecticut.  
 S. L. Mains, Nebraska.  
 E. L. Redfern, Nebraska.  
 Prof. M. E. Jaffa, California.  
 Dr. Richard Fischer, Wisconsin.  
 W. D. Bigelow, Washington, D. C.  
 Dr. Lyman F. Kebler, Washington, D. C.  
 B. E. McLin, Florida.  
 Wm. D. Saunders, Virginia.  
 W. M. Allen, North Carolina.  
 James H. Wallis, Idaho.  
 R. E. Stallings, Georgia.  
 L. Davies, Washington.  
 Prof. Elton Fulmer, Washington.  
 Robert L. Cochran, Colorado.  
 W. F. Cann, Colorado.  
 Dr. Hugh L. Taylor, Colorado.  
 Dr. E. C. Hill, Colorado.

The following representatives of manufacturers, attorneys and commercial chemists will attend:

Hon. William Judson, representative of the National Wholesale Grocers' Association.  
 W. P. Anderson, J. Hungerford Smith Co.  
 Thomas E. Lannen, representative of the National Confectioners' Association.  
 E. O. Grosvenor, Williams Bros. Co.  
 A. F. Merrill, president of the Oyster Growers' and Dealers' Association.  
 Dr. T. B. Wagner, Corn Products Refining Co.  
 S. F. Taylor, Borden's Condensed Milk Co.

Dr. Edward Gudeman, Borden's Condensed Milk Co.

Dr. J. A. Wesener, Columbus Laboratories, Chicago.

L. S. Dow, H. J. Heinz Co.

Dr. E. N. Eaton, American Laboratories, Chicago.

E. E. M. Newton, Reid, Murdock & Co.

Jay D. Miller, Sprague, Warner & Co.

Charles F. Loudon, Terra Haute, Ind.

Edmund W. Taylor, Frankfort, Ky.

Mr. A. Lowenstein, Morris Co., Chicago.

A. P. Callahan, Chicago.

Wm. H. Miner, The Miner Laboratories, Chicago.

A. C. Rudenick, Armour & Co., Chicago.

W. L. Newman, Jr., representative of the Diamond Crystal Salt Co., St. Clair, Mich.

R. G. McManus, Swift & Co., Chicago.

R. W. Shauman, of Armour & Co., Chicago.

Mrs. Mary Wright, Denver, Colorado.

J. R. Chittick, Iowa.

H. B. Meyers, AMERICAN FOOD JOURNAL, Chicago.

#### BIDS FOR 1910 CONVENTION.

Atlanta is to put in a strong bid for the 1910 convention of Association of State and National Drug and Food Departments. State Chemist R. E. Stallings will have invitations from Governor Brown, Commissioner of Agriculture Hudson, Mayor Maddox and President Chandler of the Chamber of Commerce. The South is just awakening to the duty of protecting its people from impure and fraudulent food and the South has not yet had a convention unless the conventions at Jamestown and St. Louis during the celebrations would come within this section.

Rochester, N. Y., is also after the 1910 convention of the Association of State and National Food and Dairy Departments. The convention should go East, West, North or South next year, and Rochester being one of the best cities of the Empire State should stand as good show as any city for the prize.

As we glance over the various committees who will be in charge of committee work on Monday, August 23, *it is to laugh*, the way the stacked committees are made up. The same persons are represented on all the committees and they will have to do some hopscotching to attend all the meetings.

A good many officials will have to show their hands at this convention. Cards will be dealt on top of the table and when a show down comes it will be cards face up. Many of these food control officials will have to turn to their constituents or to responsible men higher up after this convention with a report on their conduct.

We respectfully refer anyone who desires the official names and titles of the members of the convention to the program of the convention published in this issue of THE AMERICAN FOOD JOURNAL as being the only publication that has the names and titles correctly stated.

Delegates and their friends are invited to call at the headquarters of The American Food Journal, Brown Palace Hotel, during the Convention.



**THE CONSTITUTION AND BY-LAWS  
of the  
ASSOCIATION OF STATE AND NATIONAL FOOD  
AND DAIRY DEPARTMENTS.**

We are printing herewith the constitution and by-laws of the association, reproduced from the official record of the proceedings of the Portland, Ore., convention, held at Portland, Ore., July 8, 9, 10, 1902. These by-laws were copied from the original proceedings of the convention held at Detroit, Mich., in 1897, for the benefit of the new members of the organization and for those older members who may have forgotten them.

**By-Laws of the National Association of State Dairy  
and Food Departments.**

ARTICLE I.

NAME.

This Association shall be known as the National Association of State Dairy and Foods Departments. Adopted.

ARTICLE II.

OBJECT OF THE ASSOCIATION.

Section 1. The object is to promote and foster such legislation as will tend to protect public health and prevent deception in the manufacture, sale and use of dairy, food and other products intended for human consumption.

Sec. 2. To promote uniformity in legislation and rulings relative to dairy and food products.

Sec. 3. To enhance the efficiency of dairy and food laws by developing an acquaintance tending to harmonize the interests represented by those charged with the enforcement of such State laws.

ARTICLE III.

OFFICERS.

The officers shall consist of: One President, and Vice-Presidents as follows: First Vice-President, Second Vice-President, and Third Vice-President, and a Secretary, who shall also be the Treasurer; no two of whom shall reside in the same State. Adopted as corrected.

ARTICLE IV.

COMMITTEES.

The committees shall be as follows:

1. A Legislative and Executive Committee.
  2. A Finance Committee.
  3. A Committee on Resolutions.
- Adopted.

ARTICLE V.

ELECTION OF OFFICERS.

All officers shall be elected by ballot, and shall hold office until the last session of the next annual meeting, or until their successors are duly elected. Adopted.

ARTICLE VI.

DUTIES OF OFFICERS.

Section 1. The President shall preside at all meetings and shall issue, or cause the Secretary to issue all orders or notices that may be required, and shall notify or cause to be notified all members of the Association of any meeting that may be called in accordance with the rules and by-laws; and appoint such committees as may be required, whose appointment or election are not otherwise provided for. Adopted.

Sec. 2. It shall be the duty of the Vice-President,

in their numerical order, to act in the capacity of President, when the President or preceding Vice-President is absent, or from any other cause fails to act, in accordance with the by-laws of the Association. Adopted.

Sec. 3. The Secretary shall keep a record of the proceedings of each meeting, and conduct such correspondence and issue such notices as may be required of him by these by-laws, or by the President or acting President of this Association, by and with the advice and consent of the Legislative and Executive Committee. He shall, at least thirty days prior to any meeting of this Association, ascertain whether the President is qualified and will be present to act as such. If the President cannot act, the Secretary shall notify Vice-Presidents in their numerical order to be present and act as President of the meeting. He shall also have charge of all funds of the Association and pay the same upon the orders of the President on bills which have been audited and allowed by the Executive Committee. Adopted.

ARTICLE VII.

LEGISLATIVE AND EXECUTIVE COMMITTEE.

The Legislative and Executive Committee shall consist of five members: The President and Secretary shall be members of this committee by virtue of their respective offices. The remaining three members shall be elected by ballot at each annual meeting and shall serve until their successors are elected. The President of the Association shall be the Chairman of the committee, and the Secretary of the Association shall be the Secretary of the committee. Meetings of this committee shall be held upon calls issued by the Chairman, at the request of a majority of the committee. Such calls shall state time, place and object of meeting, and shall give each member notice thereof at least fifteen days prior to the holding of the meeting. Adopted.

ARTICLE VIII.

COMMITTEE ON FINANCE.

The Committee on Finance shall be composed three members to be appointed by the President, at each annual meeting, and shall hold office until such time as their successors are appointed. It shall be the duty of this committee to devise and recommend ways to procure funds for the use of the Association and perform such other duties as may be required of them by the Association. Adopted.

ARTICLE IX.

COMMITTEE ON RESOLUTIONS.

The Committee on Resolutions shall be composed of five members, to be appointed by the President at the first session of each annual meeting, and shall hold office during such meeting. Adopted.

ARTICLE X.

MEMBERSHIP.

Section 1. The following persons shall be members of this Association, ex-officio: (1) State Dairy Commissioners, (2) State Dairy and Food Commissioners, (3) State Agricultural Commissioners charged by statute with the enforcement of dairy laws, (4) the Secretary or Executive Officer of the State Agricultural Board, which is charged by law with the enforcement of the dairy or food laws.

Sec. 2. The following persons shall be eligible to membership, viz.: The Deputies, Assistants, Secreta-



ries, Inspectors and Agents, together with Attorneys, Chemists and other employes or attaches of the above named departments as may be recommended by the respective heads thereof; and in States having no such departments, a person appointed by the Governor of such State. All persons shall cease to be members of this Association when they cease to hold the position by virtue of which they are entitled to membership. Adopted as corrected.

## ARTICLE XI.

## VOTING.

In voting by ballot or otherwise each State shall be entitled to three votes. Those present and qualified may cast the full vote of their State.

## ARTICLE XII.

## AMENDMENTS.

These By-Laws may be amended at any regular meeting by a two-thirds vote of the States represented.

The Committee on Permanent Organization and By-Laws submitted the above by-laws to the first annual convention of the National Association of State Dairy and Food Departments at Detroit, Michigan, August 25, 26 and 27, 1897, and after discussion and amendments were adopted, section by section, article by article, as the association by-laws. The committee was composed of H. B. Cannon of Colorado, Geo. L. Flanders of New York, Eliot O. Grosvenor of Michigan, J. B. Noble of Connecticut, W. K. Boardman of Iowa, and J. E. Blackburn of Ohio.

## AMENDMENTS TO BY-LAWS ADOPTED AT THE NINTH ANNUAL CONVENTION AT PORTLAND, OREGON.

Resolution presented to the Resolutions Committee by the Hon. T. K. Bruner of North Carolina, and presented to the convention by the Resolutions Committee at the ninth annual convention of the National Association of State Dairy and Food Departments, and adopted by vote of convention:

"Be it resolved, That the by-laws of this association be amended, to-wit: That the name of this association be changed so as to read, 'Interstate Pure Food Commission,' and that the president and secretary be authorized and directed to have this association incorporated and that the amended by-laws be published with each annual report."

Resolution presented to the Resolutions Committee by the Hon. F. J. H. Kracke of New York and presented to the convention by the Resolutions Committee at the ninth annual convention of the National Association of State Dairy and Food Departments and adopted by vote of the convention.

"Be it Resolved, That the by-laws of this association be amended so that the office of secretary and treasurer be separate offices from now on, and when the election is held for officers of this association this year, two distinct officers be elected.

## AMENDMENTS TO BY-LAWS ADOPTED AT THE TENTH ANNUAL CONVENTION HELD AT HARTFORD, CONN.

"Resolved, That Article L\* of the By-Laws of the Interstate Pure Food Commission be and hereby is amended so as to read as follows:

"Article L.\* Name. The Association shall be known as the Association of State and National Food and Dairy Departments."

\*Article L is probably a misprint and should be Article I. no other by-laws of the association having ever been printed.

On page No. 25 of the Official Report of the Proceedings of the Tenth Annual Convention, the following discussion with reference to the vote of the District of Columbia took place:

Dr. Barnard: Mr. President, what arrangement is to be made as to the District of Columbia, represented by members of the Bureau of Chemistry?

President Noble: You have heard the question. What is the pleasure of the association as to the number of votes to be cast by the District of Columbia?

Mr. Flanders: I move that the District of Columbia be allowed three votes just the same as any of the states.

Seconded by Dr. Scovell. Carried unanimously.

On pages No. 29 and No. 30 of the Official Report of the Proceedings of the Tenth Annual Convention the following appears as the record for the appointment of the Committee on Food Standards:

Mr. Emery: I move that the suggestion made by Dr. Fischer in his paper be approved by this association, and that the president decrease the Committee on Food Standards—appointed at Portland last year—from seven to five, to work in conjunction with the A. O. A. C. Committee on Standards.

Seconded by Dr. Scovell.

Dr. Scovell: Mr. President, as an amendment to the constitution that will require a two-thirds vote, will it not?

President Noble: If it is the pleasure of the association we will take a vote, constitutionally, by states.

Secretary Allen: The vote is unanimous and therefore must be a two-thirds vote of the states represented.

President Noble: It is a vote.

## SOUTH DAKOTA BULLETIN NO. 1.

## State Food and Drug Commission, Alfred N. Cook, Commissioner and Chemist.

To the Druggists of the State of South Dakota:

Since the new drug law is practically identical with the drug sections of the national pure food and drug law, it is the intention of the South Dakota Food and Drug Commission to follow the rulings of the department at Washington governing the labeling and dispensing of drugs, so far as these rulings are applicable under the laws of South Dakota.

In compliance therewith it is ordered that all drugs on hand August 10, 1909, (the labels of which do not give the percentage of alcohol, morphine, opium, cocaine, heroin, alpha and beta eucaine, chloroform, cannibis indica, chloral hydrate, or acetanilide, or any derivative or preparation of any such substance contained therein), shall be marked "On hand August 10, 1909," unless such drugs were marked "On hand October 1, 1907."

All drugs labeled as above indicated will be considered as complying with the law until October 1, 1909, when all drugs on the shelves will be expected to be labeled according to law. Immediate steps should be taken by all druggists to obtain labels from the manufacturers showing per cents of alcohol and other ingredients as given in the above list. The character of the contents may be corrected by a supplemental label, stamp, paster, or by an entirely new label.

The law, as is well known, went into effect July 1st, and if strictly enforced these drugs could not be sold without labeling as described above. From time to time other rulings may be promulgated as conditions arise which may make them necessary.

I desire to call your special attention to the circular kindly sent out jointly by the State Board of Pharmacy and the officers of the State Pharmaceutical Association under date of May 14, 1909. The requirements of the law with regard to labeling were very clearly explained in that circular and it is the purpose of this commission to enforce the law along the lines therein explained.

It is advised that all druggists obtain a complete list of the



rules and regulations and decisions relating to drugs from the Board of Food and Drug Inspection, Department of Agriculture, Washington, D. C., and to become familiar with the details of these requirements.

The following is a list of substances with their principal derivatives, the per cents of which must be shown on the labels, as published in the rules and Regulations of the department at Washington:

Alcohol, Ethyl: (Cologne spirits, grain alcohol, rectified spirits, spirits, and spirits of wine.)

Derivatives—

Aldehyde, ether, ethyl acetate, ethyl nitrite and paraldehyde.

Preparations containing alcohol—

Bitters, brandies, cordials, elixirs, essences, fluid extracts, spirits, sirups, tinctures, tonics, whiskies and wines.

Morphine, Alkaloid:

Derivatives—

Apomorphine, dionine, peronine, morphine acetate, hydrochloride, sulphate and other salts of morphine.

Preparations containing morphine or derivatives of morphine—

Bougies, catarrh snuff, chlorodyne, compound powder of morphine, crayons, elixirs, granules, pills, solutions, sirups, suppositories, tablets, triturates, and troches.

Opium, Gum:

Preparations of opium—

Extracts, dearcotized opium, granulated opium and powdered opium, bougies, brown mixture, carminative mixtures, crayons, Dover's powder, elixirs, liniments, ointments, paregoric, pills, plasters, sirups, suppositories, tablets, tinctures, troches, vinegars and wines.

Derivatives—

Codeine, alkaloid, hydrochloride, phosphate, sulphate and other salts of codeine.

Preparations containing codeine or its salts—

Elixirs, pills, sirups, and tablets.

Cocaine, Alkaloid:

Derivatives—

Cocaine hydrochloride, oleate and other salts.

Preparations containing cocaine or salts of cocaine—

Coca leaves, catarrh powders, elixirs, extracts, infusion of Coca, ointments, paste pencils, pills, solutions, sirups, tablets, tinctures, troches and wines.

Heroin:

Preparations containing heroin—

Sirups, elixirs, pills and tablets.

Alpha and Beta Eucaïne:

Preparations—

Mixtures, ointments, powders and solutions.

Chloroform:

Preparations containing chloroform—

Chloranodyne, elixirs, emulsions, liniments, mixtures, spirits and sirups.

Cannabis Indica:

Preparations of cannabis indica—

Corn remedies, extracts, mixtures, pills, powders, tablets and tinctures.

Chloral Hydrate (Chloral, U. S. Pharmacopœia, 1890):

Derivatives—

Chloral acetophenoxime, chloral alcoholate, chloral-amide, chloralimide, chloral orthoform, chloralose, dormiol, hypnal and uraline.

Preparations containing chloral hydrate or its derivatives—

Chloral camphorate, elixirs, liniments, mixtures, ointments, suppositories, sirups and tablets.

Acetanilide (Antifebrine, Phenylacetamide):

Derivatives—

Acetphenetidine, citrophen, diacetanilide, lactophenin, methoxy-acetanilide, methylacetanilide, para-iodoacetanilide, and phenacetine.

Preparations containing acetanilide or derivatives—

Analgesics, antineuralgics, antirheumatics, cachets, capsules, cold remedies, elixirs, granular effervescent salts, headache powders, mixtures, pain remedies, pills and tablets.

A circular letter has been sent to the wholesalers, jobbers and manufacturers of patent and proprietary medicines, notifying them that all goods containing alcohol, etc., must be labeled according to law by October 1, 1909, and asking them to furnish labels for their remedies on application of the druggists of the state.

ALFRED N. COOK, Commissioner.

Vermillion, South Dakota, July 20, 1909.

## SOUTH DAKOTA BULLETIN NO. 2.

State Food and Drug Commission, Alfred N. Cook, Commissioner and State Chemist.

To the Manufacturers and Jobbers of Drugs and Patent Medicines:

Your attention is called to the new 1909 drug law of the state of South Dakota, providing that all prepared medicines must be labeled to show the percentage, if any, of alcohol, morphine, opium, cocaine, heroin, alpha and beta eucaïne, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative or preparation of any such substance contained therein. This law went into effect July 1, but the time being so short in which to secure labels, it is ruled that a stamp on the container showing that the goods were on hand August 10, 1909, will relieve the dealers from prosecution until October 1, 1909, at which time it is ruled that all preparations must be labeled to comply with the law. This will give the dealers ample time in which to secure labels from the manufacturers and jobbers selling these goods to the trade.

It is expected that all manufacturers and jobbers will without delay furnish labels to the trade that they may be able to comply at once with the above ruling.

ALFRED N. COOK, Commissioner.

Vermillion, S. D., July 20, 1909.

## WYOMING REPORT.

E. W. Burke, dairy, food and oil commissioner of Wyoming, has issued a report on the food work in that state.

Mr. Burke now issues a bulletin showing progress of the work quarterly. In the present bulletin he takes up at length the subjects of guarantees, vinegars, cold storage eggs and poultry, bleached flour, milk, spoiled meats, hotels and restaurants, catalogue goods, red currants, strawberries, city health offices and typhoid fever.

A statement of the individual samples analyzed with a report from the chemist whether legal or illegal follows. Most of the samples analyzed were passed, showing a healthy condition of the market as regards food supplies.

The position of Commissioner Burke regarding bleached flour is as follows:

Beginning November 18, 1908, a public hearing was given on the subject of bleached flour by the Secretary of Agriculture and the Board of Food and Drug Inspection of the United States. This hearing was continued five days, and the opinion of the Secretary of Agriculture and the Board of Food and Drug Inspection, based upon the testimony given at the hearing, upon the reports of those who have investigated the subject, and upon the literature covering this subject, was that the use of nitrogen peroxide as a bleaching agent in flour produced an adulterated product under the United States Food and Drugs Act, June 30, 1906.

It was the unanimous opinion of the Secretary of Agriculture and U. S. Board of Food and Drug Inspection that the adulteration was of such a character that no statement upon the label would bring bleached flour within the law, and that such flour could not legally be made or sold in the District of Columbia or in the territories, or be transported or sold in interstate commerce. In view of the extent of the bleaching process and of the immense quantity of bleached flours on hand or in the process of manufacture, it was decided that no prosecutions be recommended for a period of six months after publication of Food Inspection Decision 100. On June 9, 1909, the six months' period had elapsed, and the unbleached product is now being shipped interstate. At the present time throughout the State of Wyoming a number of late shipments of flour have been received, which are unbleached.

As the unbleached flour will not produce as white bread as the bleached flours, the millers have found that a great many complaints are coming back to them because of the dark color of the bread produced and in consequence the sale of the darker flours has fallen off. The Food Commission of Wyoming has heard a number of complaints from the housewives in many quarters, that their bread is much darker in color than formerly and they do not understand it. It seems



that many people had the idea that good bread consisted of light bread and bread which is snow white in color. The flavoring of the bread is apparently of secondary importance. Any one who has eaten bread made from unbleached flour will know that it has a much better flavor than bread made from bleached flour. The standards for bread which we have at the present time, and which are in the minds of most housewives, are artificial ones. The natural standard for breads is somewhat different. Instead of white tasteless bread, we must expect a darker colored bread with a slight nutty flavor which this generation is not acquainted with.

Some of the reasons for condemning the bleaching of flours are as follows:

First. It makes a flour white and gives the millers an opportunity to use the lower grades of wheat, and the distinction cannot be told.

Second. The oxides of nitrogen, whether produced by electrolytic process or chemically, have the same properties and are the most violent antiseptics and germicides known.

Third. It takes away the desirable nutty flavor from the bread by acting upon the oils which are present in the flour.

Fourth. Flour which is bleached with oxides of nitrogen do not make as light bread as the same flours which have been properly aged and not bleached.

Fifth. The oxides of nitrogen used in bleaching are retained in the flour and may be found in the bread after baking.

Because of the demand for white bread, wheat which will produce white flour, and hence white bread, is now commanding a higher price upon the market than wheats which give a darker bread. For example—No. 2 red wheat has been selling for approximately 20 cents more per bushel than No. 1 northern, which is something heretofore unknown in milling circles. This is all because of the fact that No. 2 red soft wheat gives a whiter bread. Although No. 1 northern produces quite white bread, it is not as white as that produced by No. 2 red.

If we continue to judge flours by the color of the bread which they will produce, we will find that we will soon be paying rather a high price for flours if we are to get good white bread.

The conditions, as far as Wyoming is concerned, are about as follows: In irrigated districts wheats are produced which give yellow flours. As we do not produce all of the wheat which we consume, the following states find us a ready market: Colorado, Kansas, Nebraska and parts of South Dakota, all of which produce wheats giving yellow flours. To the west one wheat producing state, Idaho, sends us what, in milling circles, is known as Pacific Coast wheats. This is a soft wheat and gives a white flour which is not as strong as are the flours made from the wheats grown to the east of us. For fancy flours we draw from the States of Minnesota and North Dakota largely, but the cost of transportation is so high that unless there is a decided difference in the quality of the bread produced, it would hardly be a part of wisdom to pay the difference in the cost.

The difference in the color of flours at the present time is having a greater effect upon the price than it has had in the history of milling. The judging of flour by color, or the judging of a bread by color does not give an idea of the real value of the bread. Flours made from some of our Pacific Coast wheats will produce as white bread as some of the finest wheats grown in our northern states, while the strength of the flour from some of these Pacific Coast wheats will not compare with our darker western flours made from wheats grown in the neighboring states and the east of us.

The wives and mothers who are really interested in the food question can do a great deal to help in the enforcement of our laws along these lines. If they can be brought to realize that bread made from unbleached flour is really better and healthier as an article of diet than bread made from bleached flour, and if they will insist upon having unbleached flour in their own family circles, it will not be long until the millers will realize that a step forward has been taken.

It has been shown quite clearly that the chemicals used for bleaching the flour are harmful, although the amount of injury which they may produce is probably too small to be measured or to be noticed in the family. It must be remembered, however, that we cannot be too careful in regard to these matters. One of the principal articles of diet of little children is bread and butter, and there is probably no food which can be taken between meals which is better for them than good bread and wholesome fresh butter. "Tell me what you eat, and I will tell you what you are."

The manufacturer will bring up the arguments that the amount of oxides of nitrogen present in bread is too small

to be considered. We can remember (and it is not many years ago) when the same statements were made by manufacturers in regard to formaldehyde, salicylic acid, aniline dyes and other chemicals which were used in food products. There is no question but what the injuries produced would be small, but we have so many things to contend with that if we could remove the useless little things we would find that many of the ills in this life would be dissipated.

#### HE MADE STRONGER THE FOUNDATIONS.

The Hon. James Wilson, Secretary of Agriculture, is reported from Washington to be likely to retire from office toward the close of this year. Washington gossip, with its usual exaggeration of merely personal influences and incidents, finds a cause in a trivial dispute with the Secretary of the Interior about jurisdiction over forests within Indian reservations, in which Mr. Ballinger won because the law was on his side, though it probably ought not be.

A sufficient reason may be found in the fact that the Hon. James Wilson will be 74 years old next month, and has been head of the Department of Agriculture for more than twelve years—the longest cabinet service in American history, and also one of the most useful and efficient. Twelve years ago the department was still a good deal of a joke to the general public. No one thinks of it as a joke now. The Hon. James Wilson's zeal and common sense have given it national and international recognition as a highly useful institution.

The first Secretary of Agriculture, though only for a few weeks, was Norman J. Coleman, who before that had been head of the bureau of animal industry, dealing chiefly with preventive measures against the spread of cattle plagues. Then came Jeremiah M. Rusk, a successful farmer and more successful politician, whose chief service was to convince the farmers themselves that the department was seriously meant for their benefit.

Then came J. Sterling Morton, an honest and capable administrator, an enthusiastic advocate of the general ideas for which the department stood, but somewhat too theoretical and devoted too much to miscellaneous reforming to make it a practical working force every day in the year. There was impatience and laughter in those days because it did not seem that the department was doing anything in particular "for" the farmer.

Then came James Wilson, successful farmer, successful teacher of farming ideas and methods, and trained also in politics to dealing with men, with a common sense American conception of the purposes and functions of his department—that its purpose was not to do things "for" the farmer, but to show the farmer how best to do things for himself—to carry on organized research, experiment and test of materials and methods that the farmer ought to have and know about.

And so step by step the Department of Agriculture has developed, with something done by his predecessors, but most of it done by James Wilson, and the men he found to help him, into one of the most useful of governmental institutions. It is always finding out new things for the use of the tiller of the soil. It is always testing old things to see if they cannot be made more useful. It is constantly spreading ideas and information useful to the farmer.

It ransacks the earth for new plants which may be better than what we have or better adapted to the immensely varying conditions of American soil and climate. It traces an agricultural pest to its foreign home to learn what are the enemies that curb it there, and how, where it is native, it does no extraordinary damage. It stimulates inquiry, investigation and research into anything that may make our fields more productive.

Let it also be remembered that, though head of a highly specialized service, despite its breadth, the Hon. James Wilson has stood fast for American honor in a national crisis. When the Maine was blown up he was one of the men in Washington who refused to tolerate for a moment the cowardly thought that there might be nothing in this that money could not settle.

And as Secretary of Agriculture he has done great things to make stronger the foundations of all our prosperity. He has made a record that his successors will find it most difficult to equal and almost impossible to excel.—Editorial Chicago Daily Inter-Ocean, July 29, 1909.



### A FIXED MINIMUM PRICE BASED ON A FIXED VALUE.

We publish below an address of Hon. J. F. Merryman, a representative of N. K. Fairbank Company, delivered before the National Association of Retail Grocers, which recently met at Portland, Oregon.

We give space to the argument on the fixed minimum price system which has recently been adopted by the N. K. Fairbank Company on the Pacific slope for the reason of the interest which has been awakened by this departure of this wide-awake enterprising up-to-date manufacturer.

This speech has been copied by every trade paper on the coast. The interest in it was much increased by



HON. J. F. MERRYMAN.

the attitude of the convention and of certain delegates in attendance.

During the recent session of the Illinois legislature, when net weight legislation was before the house committee on manufacturers, certain retail dealers from the city of Chicago appeared on numerous occasions and made a very severe attack upon the package system now prevailing in the selling of goods, and criticized severely the N. K. Fairbank Company and other producers of lard and cottolene.

Mr. Merryman, who was present representing the N. K. Fairbank Company, in his reply to the strictures of the same clique of retail dealers, severely castigated them in a manner that will not soon be forgotten by any one present and who heard it. Hence when

he delivered a speech at the invitation of the National Retail Dealers Association at Portland, these same gentlemen took occasion to get even, as they put it, and they consummated their purpose in the following manner:

Immediately after the delivery of Mr. Merryman's speech and while the audience were on their feet cheering, Mr. Greene of Cleveland, secretary of the association, sprang on the platform and offered a resolution of thanks for the masterly effort and for the manner in which the convention had been educated and entertained by the speaker. This resolution was vigorously opposed by the "bogey men" of the Chicago clique and they succeeded in voting down the resolution. The delegates from the Pacific slope, however, were very indignant and they prepared and passed a resolution thanking the speaker and inviting him to visit the coast, which he did, speaking in some sixteen different portions of Washington, Oregon and California, and meeting at all points with a most cordial and enthusiastic reception.

Suffice to say that the action of the "bogey men" has been the means of obtaining for the N. K. Fairbank Company the largest trade in its history as the retail dealers of the entire coast have unanimously endorsed this company and their representatives at the Portland convention.

The address is as follows:

Mr. President, gentlemen of the convention of the National Retail Grocers' Association of America, ladies and gentlemen:

I sincerely thank you for the invitation you have extended me as a representative of The N. K. Fairbank company to address you on the subject of "A Fixed Minimum Price Based On a Fixed Value." I will enter immediately upon a discussion of the subject.

I will confess that the system which we have adopted on the Pacific slope is not only a new one, but a somewhat imperfect one. All new and untried experiments must stand the test of time and in our country must run the gauntlet of the courts. A hundred years ago we had not a single chapter in our law books devoted to the laws of railways, of telegraph or telephone systems; but now we have immense libraries full of law books on these subjects. I lay down as a basis of our discussion two propositions: First, from certain known facts unknown facts become known; secondly, from certain well known legal principles unknown legal principles can be elucidated, and in turn become precedents as time rolls on and business expands. To illustrate the first proposition: When Thomas Jefferson was our minister to France, during the framing of our constitution, no explorer had ever entered the mouth or traversed the source of this great river—the Columbia. No one had ever beheld its magnificent scenery, which the delegates to this convention witnessed on yesterday—its scenery which rivals the Hudson and surpasses the Rhine; but Mr. Jefferson, philosopher as he was, reasoning that if the snows of the mountains melt and the rivulets and the rain from the watersheds run together and form the Missouri east of the Rockies, that there certainly must be another river west of it, and so he endeavored to persuade Ledyard, the explorer, to enter Russia and to come down on what is now our western coast, and that he would find a great river. Ledyard was so impressed that he entered the Russian domain, but was arrested as a spy and compelled to give up the expedition, compelled to change his plans, and his young life went out in an attempt to explore the Nile. Mr. Jefferson, afterwards becoming president, fitted out the Lewis and Clark expedition, and as they called to pay their respects at the White House he said to them that when they had gone up the Missouri and that when they had crossed over the Rockies, over on the other side they would find a great river, which they did, and after they had crossed the mighty summits of our mighty mountains, lo and behold yonder rolled the Columbia.

So it is in great business principles, and with these great propositions that each age must contend with. A hundred years ago land was the basis of wealth. As we merged from the feudal system of England and the European countries we brought over certain of their laws, and to this day we have covenants running with the land, or contracts running



with the land. Some grantor living 75 or 100 years ago laid out certain lots, tracts or parcels of ground, and in executing his deeds to his grantees he specified that on this property certain houses for certain lines of business should not be erected. He may have been a temperance reformer and in his deed he may have stated that no liquor should ever be sold on the premises; no building should be erected in which a saloon was conducted, or like one of our modern grantors, he may have specified that no flats should be erected on the premises; or he may have agreed on a building line and fixed on 30 feet from the street as a building line. Now all these may have been done 75 or 100 years ago, and finally in time I buy the property, and I find that I must leave 30 feet of my ground vacant because, if I build one foot over the line or one inch over the line I am enjoined by my neighbors and a court in equity will fine me for contempt and put me in jail for contempt if I proceed with the building, because there is a covenant running with the land, which covenant may have been enacted 100 years ago, when our grandfathers were living. Now I must do all this because my neighbors have spent certain money on their property, and in consideration of their having built a house costing a certain amount of money and having built it on a certain building line, I must build mine on that building line.

Now, here is a package of goods, the Gold Dust Twins, on which more money has been expended by the N. K. Fairbank company than has been expended on any tract, lot or parcel of ground in the known world not even excepting Broadway and Wall street in New York city; and on which more money has been expended in advertising and in a sales force which, during a quarter of a century has belted the globe, than has been expended on any tract or parcel of ground in London or in Berlin. And yet you tell me that there can be no covenant running with this package. Then I say to you, if we haven't any law on the subject it is time we were making laws. Let us coin a phrase today. Let us make this convention historical. We have met on historical ground. Our fathers won Oregon under the shibboleth of "54-40 or fight." Let us declare today for a covenant running with the package and bring the courts of this country to a respect for our rights. And I say to this convention, speaking for the N. K. Fairbanks company, that if you will stand behind us, we will cut and carve into every can of cottolene a certain fixed price based on a fixed value, and we will exterminate every price-cutter in this broad land, no matter how wealthy, how powerful or how influential he may be. Why should some one dealer be permitted, after we have canvassed a city and spent thousands of dollars in it in working up a trade upon Sunny Monday or Gold Dust—why, I say, should some one dealer be permitted to demoralize our trade by cutting the prices on these articles, which are favorites in every household and use them to toll customers into his establishment and sell these articles cheap and swindle them on something else? Equity and justice should say that we have as much right to a covenant running with the package as a citizen has to a covenant running with the land. Therefore we have adopted on the Pacific slope a certain fixed minimum price, which is based on our articles which have a certain fixed value, and this system includes a legal notice, which I will now read:

"To dealers, wholesale or retail:

"You shall not sell, or cause or permit to be sold, either directly or indirectly, by means of gratuities or otherwise, any of our products for less than the current retail prices established by the N. K. Fairbank company, which prices are now, and until further notice will be, as follows:

"Cottolene—

"Small size pail, each.....\$0.30

"Medium size pail, each......60

"Large size pail, each..... 1.40

"Sunny Monday Soap—

"25 cakes or less, each..... .05

"Fairv Soap (100--5c size)—Per cake..... .05

"Gold Dust, large size—

"One package ..... .25

"½ dozen packages ..... 1.40

"One dozen packages ..... 2.75

"The conditions herein named are for the express benefit of the N. K. Fairbank company, and in case of the breach of said conditions by you in connection with any purchase of such products from the undersigned, you shall pay to the N. K. Fairbank company for each and every such breach the sum of \$50, as the damages which it is presumed and agreed would be suffered by the N. K. Fairbank company from every such breach, said sum to be construed as liquidated damages, and not as a penalty, it being recognized that any

such breach would result in material damages to the N. K. Fairbank company, the actual amount of which it would be extremely difficult or impracticable to fix. The N. K. Fairbank company may prosecute any action for any such breach in its own name."

A special label, printed in white letters on a bright red background, is attached to every box of the goods sold—thus reminding the distributor, whether wholesaler or retailer, of his individual agreement with the N. K. Fairbanks company. This label announced the lowest retail prices that may be accepted for the goods contained in the box to which it is affixed.

I know this convention will be interested in learning what progress we are making under this new system, and I am happy to inform you that both the retailers and the wholesalers on this coast nearly all of them are rallying to our support. We have word this morning from Pasadena that the retail dealers there are throwing out of their stores the goods of the manufacturers who will not adopt the minimum price system and putting ours in. Of course here and there we find a retail dealer who claims that his rights and liberties are being taken away. My rights have been taken away from me when I could not build on a certain piece of land as I wanted to build, and so his rights to ruin our trade, to demoralize our prices, to destroy the market value of our goods, have been taken away from him. Here and there we have found a retail dealer who publicly advertises that he has taken out the goods of the N. K. Fairbanks company on account of the contract system and that he is using in their place and stead the goods of our competitors, but he will come back. The public will soon begin to cry for Cottolene, and for the Gold Dust Twins, and before many moons wax and wane he will find he can't get along without them, and once more Sunny Monday will grace his shelves.

If you will pardon an anecdote, it reminds me of an incident that happened in the life of the late Senator George G. Vest of Missouri and a senator from Alabama. They were both members of the judiciary committee in the United States senate and on one occasion Chief Justice Fuller gave a dinner to the judiciary committee of the senate, and in the wee hours of the morning, after probably they had looked a little home in a cab. Senator Vest was in a reminiscent mood, and turning to the Alabama senator, he said: "We ought indeed to be very grateful men. Here we are; we fought four years for the Confederacy and against the flag of our country and when we couldn't get out of the Union and were whipped back in, here we are members of the senate, the highest law-making body in the world, members of the judiciary committee, the greatest committee in the greatest law-making body in the world, and have been wine and dined by the chief justice."

The Alabama senator couldn't stand it any longer, and he exclaimed: "Vest, give us a rest. They can't run their d—country without us!"

So I think some of these retail dealers will find they can't run their stores without Cottolene, and without Fairy soap. And I am here to say to this convention that we intend to maintain this fixed minimum price system, and I am not going to return home until I have employed lawyers to bring injunctions and damage suits against every price cutter on this coast, and I say again, we intend to exterminate the price cutter; if not through the courts, we at least have the right to refuse to sell him our goods. The court of last resort in the state of New York has recently so decided—that the manufacturer has a right to refuse to sell his goods to anyone, whomsoever he pleases, no matter if it is impossible for that dealer to get the goods from anyone else in the United States.

Now to the Pacific slope delegates in this convention I have one question to ask: If one of our competitors had inaugurated this system on this slope and we desired to break it down, the first thing we would do would be to cut the prices on all our goods and slaughter them and attempt to fill every store with them on this slope. This is now being attempted by certain manufacturers in order to break down the fixed minimum price system, and I ask you today, are you going to desert us in this fight in order to make a transitory profit? I contend that so long as the goods of the N. K. Fairbank company afford a profit that is defensible before the retail trade, they are deserving of unqualified and unlimited preference at the hands of the retailer who is in favor of the policy of protecting retail prices. If any retailer disregards the protected price policy and encourages the sale of an unprotected, competitive article simply because the latter offers temporarily a little better profit, he is blind to his



own best interests and is aiding in the defeat of the protected price policy.

In response to your demands we have adopted this policy. Again I ask, are you going to stand with us and stand by us?

(Here a large number of the delegates, led by Mr. Newberry of Los Angeles, stood up and yelled that they would.)

Gentlemen of the convention, it gives me pleasure to say that for 24 years I have been in the employ of a manufacturer who always recognized that there were three parties in our firm—first, ourselves as manufacturers; second, the wholesaler or the jobber; and third, the retail dealer.

Again I repeat, we have always stood by the wholesaler and the retail dealer. Though there have been times when it was a great temptation to us to imitate the many business enterprises which in the last two decades have grown up around us and are selling directly to the consumer.

These factory-to-family plan concerns go into a community and enlist the services of the women and form clubs, holding out as an inducement that buying from the retailer is expensive; that what you buy from a retailer must pass through several hands, and that they save you the profits of the middlemen, and that by buying from the factory-to-family plan all profits of the retail dealer are eliminated. They even get up clubs in the churches; they even appeal to the ladies aid society in the churches, and to the missionary societies; and often the good sisters are induced to form these clubs in order to get a desk or a rocking chair for their dear pastor, forgetting that the deacon in their church may perhaps be in the furniture business, or in the hardware business, or in the stove business, and that all these schemes are injuring the church and sapping at its vitals and undermining its very foundations.

Every dollar sent out of a community to one of these factory-to-family concerns never returns. It is gone forever. It is like the snowflakes in the river, a moment white, then gone forever. But when we canvass a community our men urge that community to buy our goods at the retail store from the retail dealer. You in turn deposit your money with the local bank, and that money remains in the channels of trade, blessing your community. It is like the rain that falls into the rivulets, and the rivulets run into the rivers, and the rivers run to the seas, and the clouds drink it up again and bring it back, and again the rain falls and it enriches and twice blesses the land.

Now having said so many good things to you, I may be pardoned and permitted to say a few mean things. You do not always give us proper support when we are canvassing a neighborhood and endeavoring to exterminate the factory to family plan of doing business. You do not always allow your man to work with our regular order solicitor. Oftentimes you refuse to cooperate with us to the extent of allowing your order solicitors to work with our men. You sometimes regard us as enemies when we are your best friends, and I say without fear of contradiction that there is no other soap manufacturer in the country who is doing more today to educate the consumers to the fallacy of the factory to family plan than the N. K. Fairbank company through its work among the consumers on behalf of the legitimate retail distributors. Therefore we feel that we have a right to be heard on this subject, and that we have a claim on the good will and support of the retail trade.

Now allow me to say that there are strenuous days ahead of us, and it behooves us to hang together. It was an old patriot who, in the dark days of our country's history, when the clouds hung lowest, and when putting his signature to that immortal document the Declaration of Independence, which made him a traitor to King George, exclaimed, "We must all hang together, or we will all hang separately." It behooves us to hang together. I firmly believe that this fixed minimum price system based on a fixed value will solve our difficulties. There will be no necessity for gentlemanly agreements, and when we have perfected it, it will do away with all rebates. It will remove all fraud in the sale of goods, and there will be no necessity for net weights. Let us not be timid about it. Henry Ward Beecher tells us of a good man in New England who was so afraid of doing wrong that he spent all of his life without doing anything at all, and when he reached three score and ten he could only look back on a misspent life. We have all been so afraid of trusts and trust agreements that we have not been able to agree upon anything, and year after year we have seen our business cut to pieces and profit taken away from both manufacturer and retail dealer. Let us return to the old fashioned, the honest method of doing business, and do away with all schemes and prize package methods, and the demoralizing deals in which so many boxes are given away upon so many

being bought. All of this will go when we have adopted the straightforward method of a minimum fixed price.

I believe that on this coast the courts will yet decide that there is now as much necessity for a covenant running with the chattel as there was in the old time for a covenant running with the land; and that a business system will be established which will save this country from the demoralizing conditions which now prevail by an attempted maintenance of a card list and cut throat competition; but until this plan has been clearly demonstrated that it is a commercial success and the retail dealers thoroughly satisfy us that they will stand by us and by their support make up any loss we may sustain from the big and little cash and department stores, and until the courts have fully declared that our business is lawful and legitimate, we can never afford to extend its operations east of the Rocky mountains.

To the delegates east of the Rockies let me say, perfect your organization. Bring about a unity of sentiment on this question in your city and state organizations, suggest to us what you regard as a fixed price on our products which will give you more than a living profit and line up your organizations and show us that you have something to compensate us for the loss we will sustain and the hostility we will incur from the big catalog houses and similar organizations.

Call off the carping criticisms of your trade journals who declare that they do not want retail prices fixed by manufacturers because they do not care to have their business put on a slot machine basis, and at the same time exclaim, "Save me Cassius or I sink!"

Since its earliest organization the N. K. Fairbank company has stood by the retail dealers and will continue to stand by them to the end. The country storekeeper and our country's history dwell together in memory. We can see an Abraham Lincoln with his sad, sorrowful face, sitting in the country store with his eye piercing futurity, revolving plans whereby a nation may be saved.

No one is more deserving of a competency in old age than the retail dealer who rolls the boxes and the barrels of sugar from early morn until dewy eve, and therefore let me say in conclusion, may God grant that the retail dealer may survive all the wrecks and panics of our fickle and frail business system, and that they

"Who danced our infancy upon their knee,  
And told our marveling boyhood legends store,  
Of their strange ventures happ'd by land or sea,"  
Shall never be blotted from the things to be.

## GROCERIES BY WEIGHT.

### Chicago Official Frames Ordinance to Supersede the Old Measure.

Following a hard fight to put a law through the Illinois legislature, City Sealer Kjellander, of Chicago, has drafted an ordinance which, if passed by the city council, will do away with the old dry measure in selling grocery goods. Weight instead of measure will be the standard if the ordinance passes.

If the council takes a favorable stand and the ordinance finds its way into the code, the wholesale and retail grocers and commission men will have forced on them one of the most radical changes in their business they have ever made.

The old-time scoops, measures and containers which have come down through some centuries of use, will go the way of all ancient things, to be replaced by commercial scales of an accuracy that has been tested by the city sealer.

City Sealer Kjellander will have the measure drafted in readiness for action by the time the councilmen have returned from their vacations, and believes its passage can be secured, though there doubtless will be strong objections from dealers who feel more inclined to work with the easy and offhand scoop and measure than with the unfailing, accurate scales.

The new bill, under which the ordinance will be drafted, gives city or village councils the right to require all grain, flour, meal, hay, feed, seeds, fruits, nuts, vegetables and non-liquid animal products, fish, butter, cheese and other similar dairy products, dry groceries and all other similar articles of merchandise, in the absence of a contract or agreement in writing to the contrary, to be sold by standard avoirdupois weight or by numerical count, and was enacted through the persistent efforts of Representative Nelson.





**HON. W. A. GRAHAM, Commissioner of Agriculture.**

Major William A. Graham, Commissioner of North Carolina, was born at Hillsboro, N. C., December 26th, 1839, and was educated at the schools of Hillsboro and Raleigh, N. C., and Washington, D. C. He entered the University of North Carolina in 1856 and went to Princeton, New Jersey, in 1859, graduating there in the class of 1860. He moved to Lincoln county in March, 1861, to engage in farming. During the Confederate war he served in the Orange county troops as first lieutenant and captain in Co. K, 2d North Carolina Cavalry. Being severely wounded at Gettysburg, he afterwards became assistant adjutant general of the state of No. Carolina and served as such until the close of the war, May, 1865, being the last man in the Confederate service in the state. In October, 1865, he returned to Lincoln county and resumed his work upon the farm and has been so engaged since. He owned the first cotton gin with a condenser west of the Catawba River and the first separator, thresher and reaper and binder in this county. He has given attention to improved strains of cotton and corn, also of horses, cattle, sheep and swine. He was elected to the State Senate in 1874 and 1878, receiving

every vote cast in his district. He represented Lincoln county in the House of Representatives in the state in 1905. He has been very active in his devotion to measures for the advancement of the agricultural interest and many of the best laws upon the Statute books of the state were prepared and introduced by him. He has been a member of the Board of Agriculture since its reorganization in 1899, and was Chairman of the Board when he became Commissioner in September, 1908, upon the death of the former Commissioner, the Hon. S. L. Patterson. He was elected Commissioner for a term of four years, beginning January 1st, 1909. The North Carolina Department of Agriculture is one of the best organized in the Union. The different Departments relating to agricultural interests are combined under one head and rendered more effective than they could be if divided into many smaller divisions. The Pure Food work is committed to this Department under the direction of the Commissioner, Dr. W. M. Allen being the Pure Food Chemist. In no state in the Union is it more efficiently enforced or is greater benefit received from it.





**DR. D. HARVEY DILLON,**  
President Louisiana State Board of Health.

### DIRT IN POTATO SACKS.

#### An Offense Against Pure Food Law, Says Attorney General Jackson of Kansas.

Topeka, Kan., June 17, 1909.

Dr. S. J. Crumbine, Chief Food and Drug Inspector, State House.

Dear Sir—In answer to your oral inquiry concerning a sale of potatoes, made on the 10th day of June, 1909, by Cope & Co., No. 134 Kansas avenue, Topeka, Kan., to one William Fieger, a groceryman, through D. K. Grimes, salesman, ticket No. 226, concerning which Mr. Fieger makes the following statement:

"Topeka, Kan., June 17, 1909.

"I hereby certify to Inspector Kleinhans that I bought and paid for 112 pounds of potatoes on June 10, 1909, from Cope & Co., Topeka, Kan., which potatoes did weigh 112 pounds gross weight.

"I also certify that in the above described potatoes I found 14 pounds of dirt, which dirt and sack I have today delivered to Inspector Kleinhans for prosecution.

"The sack weighed three-fourths of a pound, sale ticket attached.

"I also certify that I called the salesman for Cope & Co. attention to the dirt in the above described potatoes. He admitted it was not right, but said: 'That is the way they come to us.' I expressed myself to him that I did not think it right that I should have to pay for this large amount of dirt.

"WM. FIEGER."

In which you request an opinion as to whether or not this is a violation of Chapter 264 of the Session Laws of 1909, being "An act concerning weights and measures," I beg to say:

Section 8 of said act reads in part as follows:

"Whenever any of the following articles shall be contracted for, or sold, or delivered and no special contract or

agreement shall be made to the contrary, said sale and all computation for payment or settlement therefor, shall be by weight. The net weight per barrel or bushel, or dividable merchantable quantities of a barrel or bushels, shall be as follows.....of the following articles per bushel .....potatoes, 60 pounds....."

Section 9 of the act provides in substance:

"All contracts, sales, or purchases hereafter made for work to be done, for anything to be sold or delivered or done, by weight or measure within this state, shall be taken and construed in terms of and according to the standards of weights and measures adopted by this act, except where agreement is made otherwise."

Section 15 of the act reads in part as follows:

"A person, who by himself or by his servant or agent, or as the servant or agent of another.....sells or exposes for sale less than the quantity which he represents, or sells or offers for sale commodities in a manner contrary to law, shall be deemed guilty of a misdemeanor..... He shall also be liable to the injured party in double the amount of property wrongfully taken or not given, and ten dollars in addition thereto, to be recovered in any court of competent jurisdiction. The selling and delivery of any commodity or article of merchandise shall be prima facie evidence of representations on the part of the vendor that the quantity sold and delivered was the quantity bought by the vendee.....a slight variation from the standard weight, measure, or quantity for individual packages is permissible, provided this variation is as often above as below the weight, measure or quantity stated."

I am of the opinion that under the state of facts above mentioned and in the light of the law quoted, the sale of potatoes as and for 112 pounds which in fact contained 14 pounds of dirt, is a violation of the statute quoted, and that a prosecution will lie therefor.

I am not unmindful of the fact that in marketing potatoes and similar products some dirt or earth will adhere thereto, and it is hardly possible for the grower, commission merchant, or the dealer to take the trouble to wash each potato or other product clean of dirt or earth, but to permit a grower, commission merchant or dealer to sell as and for potatoes a quantity of dirt amounting to one-eighth, or 12½ per cent of the product sold, is, in my judgment, a gross violation of the evil intended to be corrected by the enactment of this law. If the statement of facts given above is true, it seems the dealer called the attention of the agent of the commission merchant to the amount of dirt in this package and that said agent admitted that this was not right, but gave therefor the excuse, "That is the way they come to us."

Under all the facts and circumstances in the case, I am of the opinion that the law has been violated, and that a prosecution will lie therefor. The Inspector, of course, has a certain amount of discretion in matters of individual cases and as to whether or not this individual case should be prosecuted, is a matter for the judgment of the inspector and his department. In my judgment the case should be prosecuted.

With kind regards, I am,

Very truly yours,

F. S. JACKSON,  
Attorney General.

### PETROLEUM BUTTER.

The Standard Oil furnishes by-products from axle grease to Sunday school advice, and there is really no reason why it should not furnish the country with butter also. Petroleum is purer than slaughter house fats, and no animal diseases enter into it. If benzoate of soda, boracic acid and alum are kept out of the new Rockefeller butter, there is no reason in the world why consumers should not consume it. As a matter of fact they will have no choice in the matter, for whatever the Standard Oil puts out is sure to find a market.

At first the farmers and the meat trust will object, but the oleomargarine of the latter and much of the butter made by the former are already under suspicion, and the new petroleum butter has an ample field and an assured sale. These are changeful times, and what seemed improbable a year ago may become wildly popular in the course of another year. A year ago no one expected to spread petroleum on his slices of mother's bread, but times change and people change with them, and so, it seems, does our butter. Make room, then, for the coming of Rockefeller butter. It is the latest development of twentieth century civilization and greed.—Birmingham, Ala., Age-Herald.



## FOUST STANDS FIRM IN WAR BETWEEN OLEO AND OIL.

**Attack on Pittsburg Dealers Doesn't Mean He Has Allied Himself With Standard's Petroleum Butter.**

Over and over again government and state experts, most incorruptible men, after careful scrutiny of many samples of oleomargarine and chemical tests of these samples, have decided that wholesome oleomargarine is just exactly as healthful as the very best butter. So this important question, therefore, may be taken once and for all as answered.

It is but fair, then, to say that James Foust, state dairy and food commissioner, in bringing thirteen prosecutions against dealers in yellow oleo in the Pittsburg "oleo belt" is not attacking oleomargarine, per se. Neither is Mr. Foust making any assault upon the Chicago millionaire Beef Trust as an oleo maker.

Any one at all familiar with the facts will realize that it would be very unfair of Mr. Foust, and not at all good form, for him to take any action antagonistic of the Beef Trust.

Moreover, just at this time it would be unwise for him to weaken in his allegiance. Naturally, it would be inferred that he had gone over, agents, experts, chemists, detectives and counsel, to the Standard Oil Company, and its new oleaginous triumph, petroleum butter.

For this is the day of enlistment in a great "butter" war that is to be waged between the Beef Trust and the Standard Oil. In all states where the right kind of a pure food commissioner has been appointed the perplexed official will be standing scratching his head, uncertain which way to go. Fortunate indeed is Pennsylvania, for this state has a Foust.

### THE TRUTH ABOUT OLEO.

Already the battle smoke is to be seen from afar. Out of the west, from the neighborhood of the new oil field, come pamphlets telling the whole grewsome truth about oleomargarine. It will please the oleo dealers to repeat some of the assertions that are being made.

It is said, for example, that oleomargarine was formerly a substitute for butter, but that now it is an adulteration of a substitute. Once it was made from the best fats of the animal, presumably the caul fats, but now it is made from the interior fats, no more considered in the price paid for cattle "than the contents of the paunch and trimmings, or the contents of the intestines and trimmings."

F. W. Wilder, formerly general superintendent of Swift & Co., and later general superintendent for Swartzchild & Sulzberger, has written a book, "The Modern Packing House," telling how some oleo is made. Three grades of oil are listed, as follows:

No. 1—Caul fats, ruffe fat, caul piece of gut end, briskets trimmed from the bed pickings, crotch trimming from the bed pickings, paunch trimmings, pluck trimmings, reed trimmings, heart casing fats.

No. 2—Gut ends, small fat, chipped fats taken off, the middle guts, machine fat taken off the middle guts by the fatting machines, heart trimmings, pluck trimmings, miscellaneous bed pickings of the second grade, kidney fat, clean trimmings from cattle being cut up for canning or sausage purposes, skimming from vat of No. 1 oil.

No. 3—Head fat, fat trimmed from the cattle heads when cheeking, plucked sweetbreads trimming, liver trimmings, bladder trimmings, fat from chilled beef tongues when trimmed, miscellaneous fats from other departments when kept clean, first washing from oleo press clothes before soda has been used, scrap vat trimmings from second-grade oil.

It is explained that as these oils are varied in quantity in the oleo, the price and quality of the product differ.

### IT'S UP TO THE BEEF TRUST.

This clears the way for the Beef Trust to picture the processes through which petroleum butter must go before it lies golden yellow on the marble counter.

Mr. Foust's ideal dealers in the "oleo belt" can then do the rest. In the official bulletin of the dairy and food division for April and May, 1909, the duty of these men was outlined as follows:

"The ideal dealer, of course, is the one who is always frank enough to take his customers into his confidence and to tell them the exact truth about any article he has for sale, so far as he knows that truth!"—Philadelphia North American.

## ALUM IN BAKING POWDER, FOUST IS TO BRING SUITS.

**Forty-Seven Pure Food Prosecutions Are Ordered Brought Under the Murphy and Gerberich Bills.**

Twenty pure food prosecutions are to be brought under the provisions of the Murphy food bill, by State Dairy and Food Commissioner Foust—the first to be brought under that measure.

Ten of them will be under the anti-alum clause, which state Senator Joseph A. Langfitt, of Allegheny, had inserted in the Murphy bill when nobody was looking, except Foust. Six of the ten are "restored-withered-pickle" suits, and the other four are baking powder suits. The other ten cases are for adulterated sausage.

Twenty-seven prosecutions under the Gerberich bill were also ordered today.

The alum cases will be brought in Clearfield county. The sausage cases will be brought in Allegheny and Westmoreland. In each of the cases the sausage had been adulterated with added cereal and water, containing from 15 to 20 per cent of this combination. The pickle and baking powder suits are simply for added alum.

Foust refuses to disclose the names of any of the defendants-to-be until the suits are begun. The samples from which the suits originate were collected by H. L. Banschoff, special agent, and are all included in the lot of more than 500 samples concerning which Foust issued a statement early in the week. The sausage suits ordered in western counties last Tuesday were brought under the old Tustin act.

The decks are now cleared of all old cases, everything pending being under the Murphy bill or some one of the Gerberich bills.

The twenty-seven milk and cream suits about to be brought originate from the only adulterated samples found in analyzing 1556 samples from twenty-eight cities and towns in eastern Pennsylvania. Fourteen of these prospective suits are for watered milk, and the other thirteen for cream containing only 10 per cent of butter fat, whereas the legal standard is 15 per cent.

Some suits for bleached flour may be brought before long for Foust has suspicions that western millers are still bleaching flour and using Pennsylvania as a dumping ground. Many samples of flour were bought by the special agents during their recent tours and analytical reports will soon be at hand.—Philadelphia North American.

## NEBRASKA MILLERS GET LIFT.

**Secretary Wilson Decides Not to Press Order Against Bleached Flour.**

Omaha, Neb., Aug. 4.—[Special]—The attorney for the Nebraska millers is in receipt of a telegram from Senator Norris Brown, who states that he had a conference with Secretary Wilson of the Department of Agriculture, who informed him that he has concluded not to press the order against the manufacture of bleached flour. He also stated he had notified the attorney-general not to press the suits already instituted. The announcement is good news for Nebraska millers who now feel the original order will be allowed to stand and eventually die. Had the rulings of the secretary gone into effect and been enforced the millers declare they would have destroyed the milling industry of the West and in Nebraska and Kansas alone would have driven 250 mills out of business.—Chicago Tribune.

## MILTON, WIS., MAN FINED FOR SELLING "MALTMEAD."

By the pleading guilty of William Shemmell, of Milton, charged with selling an article that was misbranded under the state pure food law, a scheme has been discovered for selling intoxicating liquor in "dry" territory. The drink that Shemmell sold was named "maltmead," and a chemical analysis found it to contain more alcohol than beer. Shemmell paid a fine of \$25 and costs.

Miss Lucy Doggett, assistant chemist, Illinois Food Commission, and Miss Laura Collins, stenographer of the Illinois Food Commission, have just returned from an extensive tour in Europe, visiting Paris, London, Edinburgh, Dublin, The Hague, Brussels and other places of interest in the British Isles and on the Continent.



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## THE GREAT BENZOATE BLUNDER.

Under this heading "Dr." Paul Pierce, M. D., M. S., minus the decorations, discourses in his magazine on benzoate of soda and its effect on man. Benzoate of soda he says causes kidney diseases, constant nausea, and in dogs, difficulty in urination. The "gross blunder" referred to, he says, is going to "portend the complete reversal of that decision" and "Dr. Wiley is to remain in office as the head of the most important food control body," and the "Referee Board of Scientific Experts will be discountenanced."

The "main blunder," it seems, was committed by Secretaries Wilson, Straus and Cortelyou in issuing bulletin No. 104. It was committed "on the very last day of the Roosevelt administration just a few hours or a few minutes before Cortelyou and Straus (official titles supplied on application to this office) relinquished their offices." "This decision is destined to go down in history as the 'notorious benzoate of soda incident.'"

Having thus found out all about the cause, effect and place in history of the "one big blunder," one is particularly interested in finding out what the blunder was and be willing to wade through a lot of dry dope to find it. At last by patient search and by deduction one can guess at the act referred to as a "blunder," i. e., that whereas the referee board placed a limit of four grains a day on benzoate of soda, the Secretaries of the Treasury, Agriculture and Commerce and Labor in decision No. 104, based on the report, allowed its use in unlimited quantities, provided the presence and amount be stated on the label.

This is a pretty bad case it is true and undoubtedly Secretary Wilson, President Taft or Congress will see to it that the Referee Board of Consulting Experts be discountenanced for putting out a decision for the three Cabinet Officers to thus tamper with. However, perhaps it would be wise to investigate the matter a little before condemning everybody but Dr. Wiley.

The referee board placed no limit on benzoate of soda. They are not empowered to place a limit on anything. Their duties are scientific, not administrative. They simply said that their experiments showed that benzoate of soda in small and large doses in food was without poisonous or injurious effect, and that in their experiments 0.5 gms. per day was considered a small dose and 4 gms. per day considered a large dose, except that in a few instances somewhat larger doses were employed. The terms "small" and "large"

doses were used because the president had asked for information in this specific way and the figures were employed because in the use of benzoate of soda as a preservative one would have to consume two-thirds of a pound of preserved food to get the small dose and over five pounds of preserved food, say  $\frac{1}{2}$  gallon of catsup per day, to get the large dose. It is apparent to all who do not wilfully mean to deceive, that the large dose does not refer to its being medically large, as is indicated by "Dr." Pierce, but large in the sense that in the ordinary use of this salt as a preservative it would be impossible to consume 0.4 gms. of benzoate of soda per day. The Referee Board having shown its action in any quantity possible to be used and not having found any quantity within those limits or even beyond them wherein it was harmful to health when used in foods could not and did not set any limits beyond which it was harmful.

Even if one should deceive himself and his admirers in the delusion that the referee board decided that 0.4 gms. per day is the limit of its harmlessness, how could such limit be set by the secretaries? Obviously only by some such *decision* as this.

"Hereinafter only five pint bottles of catsup and not to exceed five pounds of apple butter shall be consumed by one person per day."

### *Rulings and regulations.*

"One day shall include twenty-four hours without reference to the calendar day."

"For the purpose of this decision one day shall commence with the consumption of the first bottle of catsup and end with the last bottle if within the twenty-four hours' limit."

"Allowance will be made for catsup left in the bottles but none for short weight due to concave bottoms in the bottles as consumers plainly intend to transgress the law, and should not be allowed to be saved by manufacturer's cunning."

"Babies must not eat the full five bottle quota of catsup but only shall be allowed to consume an amount of catsup in proportion of their weight to the normal weight of a grown person, which for the purposes of this act will be considered as one hundred twenty-five pounds female and one hundred sixty pounds male."

"Body weight must be calculated before eating the catsup, etc., etc."

The enmity of "Dr." Pierce to the report of the referee board cannot content itself with exposing the blunder (?) in the food inspection decision in not conforming to the referee board's report. He must throw dirt at the report he complains was not strictly followed in the decision and at the Referee Board itself. He says the board is its own accuser and cites Dr. Remsen as saying that benzoic acid is prepared on a large scale from the urine of horses and cows.

But if Dr. Remsen said what Dr. Pierce says he said, and if it were true then or true today, what effect should that have on him or any one else in reporting on an experiment on the effect of benzoate of soda on health. But of course the alleged statement is not true today nor has it ever been true. Impure benzoic acid can be prepared from and is very similar to hippuric acid existing in considerable quantities in the urine of the herbivorous animals. The expense and inconvenience, however, of preparing it in this way is prohibitory.

Benzoic acid was originally prepared by dry distillation of gum benzoin of which it is the chief con-



stituent, but now is prepared by synthesis from products produced from the dry distillation of coal. Practically all of it now comes from the chemical works of Germany and is sold in this country at approximately 30 cents a pound, and is a remarkably pure salt from a chemical standpoint, being over 99 per cent pure, the 1 per cent alloy consisting mainly of moisture. If these statements are not the absolute facts they will be refuted. But they will not be nor cannot be. It is not in evidence even that the Referee Board used the fact of benzoic acid being a normal product of the animal body and excreted as hippuric acid, a near relative, to show its harmless properties. Their work was that of collecting positive data by actual experiment and interpreting the results of these experiments and not to speculate or draw deductions of any kind.

Dr. Remsen's exact statement in the edition of his Organic Chemistry is as follows: "Benzoic acid is prepared on the large scale (1) from gum benzoin by sublimation, (2) from the urine of horses and cows by treating the hippuric acid with hydrochloric acid, (3) from toluene, best by converting it into benzyl chloride and oxidizing this with dilute nitric acid." Then follows a laboratory experiment illustrating how the student may prepare it from hippuric acid obtained from urine. Dr. Remsen's book is a text-book on chemistry, intended to illustrate to the student the structure of chemical compounds and their relation to one another, and is not a technological handbook.

He did not say that benzoic acid was prepared from urine on a commercial scale, and it is doubtful whether he meant to convey that idea.

In his "College Chemistry," in none of the numerous editions does he mention even this method of preparation, but says instead, pages 674, 410, 431, 252, various editions:

"Benzoic acid occurs in gum benzoin and in the balsams of Peru and tolu, and is made artificially from coal tar by oxidizing toluene,\*  $C_7H_8$ ."

In fact none of the methods mentioned by Dr. Remsen are in use commercially today. Most of the benzoic acid of commerce is prepared from naphthalene via phthalic acid.

According to Mr. Pierce many charges have been made that the Referee Board was not a non-partisan board. As far as we are aware, these charges have been made only by Mr. Pierce himself, by a Mr. Young in a communication to the American Food Journal, and by Mr. Emery of Wisconsin, through Speaker Bancroft of the Wisconsin assembly. Mr. Young, an announced socialist, charged monopolistic influences due to the members of the Referee Board being connected with the "Rockefeller" and "Leland Stanford" universities, which argument might have had some slight bearing if the named universities had in reality been represented. Speaker Bancroft and Pierce contented themselves with indefinite charges unsupported by argument or attempt at proof.

But now Mr. Pierce offers at least a semblance of proof that the board might not be impartial. For example we quote:

"Now saccharine is a well known food preservative. Its discoverer was Dr. Ira Remsen, head of the Referee Board."

Then let us ask:

"Would the fact that Dr. Remsen discovered

saccharine make him favorably inclined toward this or any other artificial food preservative? Did Dr. Remsen consider saccharine harmless when he consented to serve on the board?"

What drivel:

Yes, saccharine is a well known preservative. How "Dr." Pierce came to stumble onto this truth is incomprehensible. For saccharine is sugar. But it was not discovered by Dr. Remsen. Its use as a food and as a preservative has been known for many centuries. What "Dr." Pierce probably refers to is saccharin. This is a synthetic chemical substitute for sugar, as regards sweetness being five hundred times as sweet as cane sugar; but it is *not* a preservative, and is never used as a preservative. It was not discovered by Dr. Remsen, but by Dr. Fahlberg, some thirty years ago, working in the laboratories of Johns Hopkins University over which Dr. Remsen presides.

Anyhow, if saccharine was saccharin and saccarhin was a preservative and Dr. Remsen instead of Dr. Fahlberg discovered it, it is still a long step toward any influence these facts might have in showing any personal bias Dr. Remsen might have in reporting on the effect of an entirely different substance on the human organism.

But there is still more evidence of partiality.

"One of California's greatest industries is the drying of fruits. In this process sulphur dioxide long has been employed as a preservative to prevent the decomposition of the fruit and to cover up evidence of inferiority."

Dr. Alonzo E. Taylor is California's representative on the Referee Board, and the commercial interests of his state desire the use of this preservative.

Let us then ask:

"Would this fact cause Dr. Taylor to be favorably inclined towards sulphur dioxide? Did he have a preconceived opinion that sulphur dioxide was harmless?"

The reader is supposed to leap the wide gap in logic that if Dr. Taylor had a preconceived opinion that sulphur dioxide was harmless because the manufacturers of his state used it, it would influence him in forming an opinion based on a feeding experiment that benzoate of soda was also harmless.

Without taking the trouble to dispute the statements in regard to the use of sulphur in the fruit drying industry as it is outside the domain of the present article or as to California or any other state having a representative on the Referee Board, it may be said that if Prof. Taylor had any preconceived opinion as to sulphur dioxide as a preservative he has been sensible enough to keep his opinion to himself until he should have had an opportunity to verify his preconceived opinions by actual experiment. In view of his silence on the subject we may well infer that he is awaiting the result of experiment before forming his opinion as is customary with men of his eminence in science in direct contrast to Dr. Wiley, who forms an opinion and announces his conclusions before conducting his tests. Incidentally it might be mentioned that Dr. Taylor is the only one of the Referee Board who did not participate in the experiments and reports, being absent at the time in Europe.

Dr. Chittenden, professor of chemistry in Yale University, is biased in this way:

"Prior to his appointment on the Referee Board, Dr. Chittenden is said to have displayed

\*The name toluene comes from the fact that this hydrocarbon was first obtained from the balsam of tolu.



a decided friendship for borax as a food preservative. In 1899 when Senator Ambler introduced a bill in the New York legislature to prohibit preservatives in dairy products it is said that it was the same Dr. Chittenden who appeared in defense of borax as a food preservative.

"Would this former predilection for borax cause Dr. Chittenden to be favorably inclined toward this chemical?"

Same logic required; if he likes sugar he must like salt. If he found borax in butter harmless and advantageous he would be inclined to find benzoate of soda harmless even if he had to draw erroneous conclusions from his experiments.

An admission which the writer may regret now follows:

"I have never heard that Dr. John H. Long or Dr. C. A. Herter had been connected with any industry or that they ever had any associations that might predispose their opinions toward preservatives."

This is too bad. And these gentlemen conducted two of the three experiments made, too. But let us see whether by similar reasoning and more regard for the truth we cannot supply the deficiency. This is the same Dr. Long that has been connected with the Northwestern University Pharmacy College. *Records show* that he has been and is a *professor* in that school. His scholars sell drugs and chemicals. The school is *in fact* maintained by tuition from students who must make their living from selling drugs and chemicals. Now, salicylic acid is a chemical, likewise a drug and a preservative, and if benzoic acid was found injurious, salicylic acid might be also found injurious, the drug business busted and the pharmacy college discontinued.

Herter hails from New York city. The Standard Oil Company with headquarters in the *very same* city are going to make a butter out of petroleum to compete with cows' butter. (Yellow press report.) It is a *notorious* fact that *chemicals* are used to refine petroleum. Now if benzoic acid is found harmful in foods, *chemicals* would be prohibited in refining petroleum butter, and the Standard Oil Company, by the curtailing of the sales on Standard Oil butter, be compelled to vacate their expensive offices at 26 Broadway.

Now let us ask:

Was not it possible that Dr. C. A. Herter of Columbia University was picked out by the octopus and forced on President Roosevelt as one of the members of the Referee Board, etc., etc., or nauseam? (Women's clubs take notice this is not intended seriously.)

There is one good thing in "Dr." Pierce's article which well repays perusal. We publish verbatim:

"It is pointed out as a virtue that the men fed on benzoate foods during the investigation of the Referee Board, actually put on flesh and gained weight during the test period. Poison experts declare that this addition of flesh and weight is an evidence of the first effects of a poison.

A well known fraud of horse traders is to feed horses on poisoned foods before preparing them for market. By such a method the shabbiest looking scrub may be made to appear sleek and fat. But instead of actually improving the animal it ruins its constitution forever. The horse

never regains its flesh after it is gone and dwindles away to uselessness."

If ever we become the owner of enough wealth to purchase a horse we will bear this valuable hint in mind. But in view of the extremely suspicious attitude of mind of "Dr." Pierce as regard ulterior motives of the Referee Board of Consulting Experts, Ex-President Roosevelt, the Cabinet Officers, and others, as well as the comprehensive veterinary knowledge displayed by "Dr." Pierce, we shall not be inveigled into a horse trade with him.

#### ANOTHER MISREPRESENTATION.

Commissioner Emery has introduced one questionable innovation in the conduct of his office as President of the Association of State and National Food and Dairy Departments. That is in assuming that he, as President, represents the Association. In this capacity he has appointed several committees not authorized by the convention nor the constitution of the Association. One of these committees is to report to the Association; another makes a report without any opportunity for the Association to act upon it.

Possibly there may have been urgent demands for these committees; possibly he was only doing what the Association would have authorized him to do had they a chance to vote on the proposition; possibly his committees represented the entire association rather than one faction; possibly he may have been unbiased in each case in which Dr. Wiley's contentions were held fallacious and only deserved to enlist the Association and its influence on the side of truth and justice, but this, while palliative, does not excuse the arrogation of prerogatives belonging only to the Association. Such power is not even given to the Executive Committee. The committees so appointed are absolutely illegal, and without standing, and their assumption and claim to representing the Association of State and National Food and Dairy Departments, is as much a misrepresentation as the selling of oleomargarine for butter or corn syrup for maple syrup.

#### NOTICE.

##### American Breeders' Association Meeting.

The sixth annual meeting of the American Breeders' Association is called for December 8, 9 and 10, at Omaha, Nebraska, in association with the National Corn Show held at that place December 6 to 18. A program of addresses by prominent breeders of livestock, prominent breeders of plants, and scientists prominent in the study of the heredity of plants, animals and men is being prepared.

Arrangements are being made to have many of the addresses illustrated with stereopticon views and moving pictures.

W. M. HAYS,  
Secretary A. B. A.

Washington, D. C., July 30, 1909.

#### PSEUDO SCIENCE AND MATHEMATICS.

No, "Dr." Pierce, one-tenth expressed as a decimal is not .001, but those fond of using large numbers may place plenty of ciphers after the decimal, thus 3,250.00. Carelessness in handling the little decimal point while entirely innocent and unavoidable in depicting circulation is justly discountenanced in scientific articles.



J. Q. EMERY, President,  
Madison, Wisconsin.

R. M. ALLEN, Secretary,  
Lexington, Ky.

JAMES FOUST, Treasurer,  
Harrisburg, Pa.

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July the twenty-second,

1909.

The American Food Journal,  
Chicago, Illinois.

Dear Sirs:-

In your issue of July 15, 1909, an editorial entitled "American Medical Association," contains the following statement: "Wiley also had his right hand plotters, Bigelow and Allen, at the convention to turn to to political account." As there are several Allens engaged in the food work, and as the writer did not attend the convention of the American Medical Association, will you please give the identity in your next issue of the Allen to whom the editorial refers.

Yours very truly,

*R M Allen*  
Secretary.

## It Is The Same R. M. Allen.

The identity of the Allen to whom we referred was R. M. Allen, and we apologize to any other Allen who might be mistaken for R. M. Allen.

*It is the same R. M. Allen*, who, in 1904, called upon H. B. Meyers, and asked him to intercede with Hon. A. H. Jones, the Illinois Food Commissioner, to prevent any publicity or expose of the fact that a Dr. A. C. Barr, a client of Senator J. J. Brenholt, State Senator from Alton, Madison county, the 47th

Senatorial District of Illinois, who was then president pro tem of the Illinois State Senate, had in eating some India Relish manufactured by H. J. Heinz & Co. placed the thumb or finger of a human being in his mouth and became deathly sick and was confined to his bed for several weeks. Senator Brenholt also made a complaint to the Food Commissioner of Illinois. The plaintiff, represented by Senator Brenholt, brought suit against Heinz Pickle Co. When nearly ready to



go to the jury the judge ruled that the suit had been brought against the wrong parties, as the firm of Heinz Pickle Co. had been changed to the H. J. Heinz Co. since the filing of the suit. The plaintiff immediately took a nonsuit, started another and the case was subsequently settled out of court by defendant paying \$200 and all costs. The thumb is still in pickle and can be seen at any time, Heinz & Company having tried in vain to recover the article they once sold. The case was brought to the attention of John Hamilton, then Secretary of Agriculture of Pennsylvania. Through Commissioner Jones and by considerable correspondence and effort on the part of R. M. Allen and the H. J. Heinz Co. the matter was hushed up. The facts are that an employee of this firm of manufacturers of food products while working at a machine canning India Relish had his thumb cut off and the thumb was promptly pickled with the India Relish; instead of throwing away all the product that might have gone into the cans after the accident, all the material was saved, therefore the thumb which was cut off this employe found its way into the mouth of Senator Brenholt's client in the state of Illinois. This was Heinz's "58th Variety."

*It is the same R. M. Allen* who recommended with Prof. M. A. Scovell, Mr. Glenn F. Mason as chemist for the Heinz Co., and who is now in their employ as chemist and who is a graduate of the Kentucky Agricultural College, and who was employed by the Heinz Co., on their recommendation.

*It is the same R. M. Allen* who has been using his office as secretary of the Association of State and National Dairy and Food Departments in support of the H. J. Heinz Co. in a commercial war between the users of various preservative processes.

*It is the same R. M. Allen* who went to the 6th annual convention of the National Association of State Dairy and Food Departments at Portland, Ore., and to the 7th annual convention of the National Association of State Dairy and Food Departments at St. Paul, with Prof. M. A. Scovell, and Edmund W. Taylor of Frankfort, Ky., and R. C. Stoll of Lexington, Ky., and others of the bottled-in-bond whisky ring, and told the food commissioners of the different states that whisky stored in charred barrels for four years would oxidize the fusel oil out of whisky and by this fake statement secured the endorsement of the bottled-in-bond act. The commissioners at that time, believing that the impurities known as fusel oils were oxidized out of the whisky by storage in charred barrels.

*It is the same R. M. Allen* who acted as secretary of the exhibit of the National Association of State Dairy and Food Departments at the Louisiana Purchase Exposition and which was financed by the same bottled-in-bond whisky ring and a financial report on the same has never been published.

*It is the same R. M. Allen* who falsified the proceedings of the Portland Convention of the Food Commissioners before the Senate Committee and in a communication to the Secretary of Agriculture and caused Dr. W. H. Wiley in his own testimony before the Senate Committee and also in a letter written by him and signed by the Secretary of Agriculture to make many statements not in accordance with facts, more particularly with reference to the Standard committee of the association and its chairman, E. N. Eaton, then State Analyst of Illinois. This was brought to everybody's attention by Eaton in an open letter to

Dr. Wiley in the American Food Journal of May 15, 1906, and the facts therein have never been challenged nor has any apology been made for the error into which he was drawn through his too willing ear to Mr. R. M. Allen's tales.

While the statement that Mr. R. M. Allen made is doubtless technically true, that he did not attend the convention of the American Medical Association, Mr. R. M. Allen did attend the conference of the committee on medical legislation and was present at the National Legislative Council of the American Medical Association which was held at the New Willard Hotel, Washington, D. C., January 18, 19 and 20, 1909. We have in our possession The American Medical Association Bulletin, published bi-monthly, from September to May. In the March 15, 1909, issue, Vol. 4, No. 4, pages Nos. 165, 169, 170, 171, 172, 173, 174, 175, 176, 177 and 178, are devoted to statements made by Mr. R. M. Allen before this committee. This committee is the political machine of the American Medical Association and this is where the resolutions which were afterwards passed by the American Medical Association were hatched. Dr. Bigelow of the Department of Agriculture was there also and is quoted on pages Nos. 176, 177, 178, 179 and 180 on the benzoate of soda question in a colloquy with members of the committee.

We did not intend to attribute any great influence to Messrs. Bigelow and Allen in the affairs of the association. They were doubtless present only to offer a backing by virtue of their official positions for what the chairman of the committee intended to do.

We tried to make it plain in our last issue in an editorial on the American Medical Association that the convention simply ratifies what a few politicians in secret session previous to the convention have formulated. The convention would not dare do otherwise. At the conference in Washington the resolutions introduced by Reed were first brought up. Reed was chairman of the committee, chairman of the sub-committee and presided over the meeting at which Messrs. Allen and Bigelow were not only present but made addresses. At this committee meeting also the resolution endorsing Dr. W. H. Wiley was prepared for the convention to pass. It is then only a subterfuge for Mr. Allen to set up the claim that he did not attend the meeting of the convention without at least the frankness to state that he did take part in the political action committee meeting held previous to the convention.

#### HON. F. W. BURKE.

Wyoming Dairy, Food and Oil Commissioner.

Mr. Burke was born August 3, 1868, at Rome, Oneda county, New York. At the age of six his parents brought him to Wyoming and when he was eight years old his father died, leaving a wife and four children, Mr. Burke being the oldest of the four. At the age of nine years, Mr. Burke started to work in the steel rolling mill at Laramie and began doing his share towards the support of the family.

From that time on, until he was sixteen years old, he continued in the rolling mills, and virtually supported his mother and brothers and sisters. At the age of sixteen he went on the plains and for three years he rode the plains as a cowboy. During this time he took upon his shoulders the education of a half-brother and a sister, and as the writer knows,



was more than a father to both of them, they being educated exceedingly well for that time in the west. In fact, through Mr. Burke's efforts they were given much better opportunities than he received during the days when he should have been in school. He, however, received some schooling by attending night schools when he had an opportunity, but the schooling which was of the greatest benefit to him in after life was the school of hard knocks which he got out in the world.

At the age of nineteen he went to Evanston, Wyo., and began breaking on the Union Pacific. After two years of service he was promoted to the position of conductor, remaining with the Union Pacific for thirteen years, it being a well known fact that he was one of the best and most popular conductors that they ever had upon the Wyoming division. It is a known fact that he never had an accident due to his own fault, and that the most that the company could count upon their books against him for damages to rolling stock and other railroad property during these thirteen years was \$3.38 for having the steps knocked off of a caboose.

In the year 1900 he resigned his position with the railroad company and was appointed deputy United States internal revenue collector under F. W. Hobart, the main office then being in Denver. He was given one of the hardest fields in this division and while in this work he made it a point to attempt to keep people out of trouble instead of getting them in. When he went into the field he had one of the wildest territories in the west and it was considered one of the hardest to handle by the officers in charge at Denver. When he left it was one of the best fields that they had. After the people of his territory got to know Burke, every one who had dealings with him were stepping over straws trying to comply with regulations and making the work as easy as possible for him.

On April 1, 1905, he was called by the governor of Wyoming, Hon. B. B. Brooks, to accept the position of state dairy, food and oil commissioner. As this was one of the first states in the west to put in a food law, the manufacturers and jobbers doing business in the state concluded that it was nothing more than a political proposition, but they soon found that Mr. Burke made it a business proposition instead, and through his untiring efforts today the state of Wyoming is one of the cleanest states of food frauds in the Union, and, although he has been a hard hitter, it is safe to say that ninety-nine per cent of the men doing business in the state respect him, for they realize that he is fair and honorable to all and has the respect and esteem of the trade and the consuming public.

In regard to the policies which Mr. Burke stands for, the one which he considers and which he has preached the most important within and without the state, has been the open door policy. He was one of the first commissioners to raise his voice for an open door policy in the national conventions and believes that he is the servant of the people and that he has absolutely nothing to conceal from them of the Association of State and National Food and Dairy Departments. He believes also in enforcing the laws as he finds them and enforcing them to the letter, but at the same time with justice and leniency when it can be shown that an honest effort has been made to do what is right.

Since Mr. Burke has been food commissioner he has

been alone in the field and has been his own commissioner, inspector and office help. He did not even have a stenographer for the first two years except for a couple of hours a day. He was aided, however, during the first two years by his wife, who is an excellent business woman.

To know Commissioner Burke is to love him and no one can understand his great, big, good-natured heart and appreciate his true worth as those who have come in contact with him in his daily routine. Since Commissioner Burke was appointed he has attended every convention of the Association of State and National Food and Dairy Departments and has taken a prominent part in its deliberations, and those of the commissioners who have met him in the past will look forward to the smiling welcome and hearty western hand shake with which he will greet his fellow commissioners at Denver and the high regard in which he is held by the officers and people of his state. He will be at many more of food control conventions.

#### HON. JOHN B. NEWMAN.

Assistant Food Commissioner of Illinois.

We take pleasure in presenting to our readers a likeness of Mr. John B. Newman whose appointment as Assistant Food Commissioner of Illinois was an-



HON. JOHN B. NEWMAN.

nounced on July 26, 1909, and who on that day assumed the active duties of the office.

The news of Mr. Newman's appointment was pleasing to and favorably received by the dairymen of the state as it was well known that he is well qualified for the position and bears a fine reputation both among the business men of Chicago and in his home city of



Elgin of which he is an alderman. In naming him the governor complies with law which stipulates that the assistant commissioner shall be a practical dairyman.

Mr. Newman was born at Elgin, Ill., his present residence, in 1870, and received his early education in the local public schools. Afterwards spent two years at the University of Notre Dame; he then spent one year at business in Elgin, with the Elgin Condensed Milk Company; after which he completed his education and entered the University of Michigan at Ann Arbor and there studied law, graduating from there with the degree of LL. B., and being admitted to the bar in June, 1894. Since then Mr. Newman has been inspecting creameries for the John Newman Company, and for a period represented that company on South Water street, in Chicago, looking after their butter interests. Of late years, however, he has devoted most of his time to inspecting and superintending their creameries. He also acted as inspector for the Elgin Butter Board and in educational work has been very active and scored at state conventions and at different experiment stations, and at the present time is scoring and criticizing United States government experiment work. It can truly be said of Mr. Newman that he was born, bred and raised in practical dairy work.

The appointment was very pleasing to Commissioner A. H. Jones, who sent Mr. Newman the following cordial letter of congratulation in announcing the appointment:

"Robinson, Ill., July 27, 1909.—Hon. John B. Newman, Assistant State Pure Food Commissioner, Elgin, Ill.

"My Dear Mr. Newman:—This is to notify you that on the recommendation of Governor Charles S. Deneen I, on yesterday, appointed you assistant state food commissioner—your term of office to begin July 26, 1909. I will be in Chicago at the state food headquarters, 1619 Manhattan building, July 30, to administer to you the oath of office and deliver you your commission, provided, of course, that you accept the office and are willing to discharge its duties.

"I want to congratulate you, and through you, representatives and the dairymen of the state of Illinois on your appointment, as Illinois is the first dairy state in the Union as well as the first state in the Union in the production, manufacture and sale of the various food products.

"I will go into details with you Friday when you are inducted into office and properly initiated into its mysteries and duties.

"With kindest regards to you and my many friends at Elgin, I remain as ever, "Very sincerely yours,"

A. H. Jones, Commissioner."

Asst. Commissioner Newman will attend the Denver convention where he will renew his large acquaintance with the many dairy officials of the country.

It transpires that at least one member of the American Medical Association could not agree to the resolutions condemning benzoate of soda in food, and that member was Mr. William R. Welch, the new president of the association, professor of pathology and experimental medicine at Johns Hopkins University, and probably the one member of the House of Delegates who, by virtue of his experience, was competent to vote on the proposition.

#### AGRICULTURAL COLLEGE WANTS TO SUPPLANT DAIRY AND FOOD DEPARTMENT.

For a number of years there was some discussion between the Minnesota Dairy and Food Department and the Minnesota College of Agriculture regarding the control of the dairy work in that state. The Dairy and Food Commissioner had it in charge and the School of Agriculture wanted it. Although not successful in getting full control and moving the institution from the state capital to St. Anthony Park, the Agricultural College and Experiment Station people did succeed in dictating the appointments and influencing the policy of the institution for a time. But the Food Commissioner sometime ago loosened the shackles and probably the state school now has no more influence in the affairs of the Food Commission than an institution engaged in another branch of the same cause should have. We notice of late, however, that the centralizing creamery interests, through G. L. Hubbell of St. Paul, are attempting to revive the old antagonism to influence Commissioner French to require the farmers to deliver a higher quality of cream to the agents. Commissioner French, while not neglecting the few centralized creameries who are anxious to buy anything labeled cream, says that he cannot neglect the 800 or 900 local creameries and cheese factories and their 100,000 patrons. He says that if the cream buyer was as critical as the average butter maker much better cream would be delivered.

"No, we are not worrying about Mr. Hubbell's proposed 'renovation' of the dairy and food department," said Commissioner French. "The Minnesota department has an enviable reputation not confined within the borders of our own state. Its commendable work in the past under the direction of my worthy predecessors is praised by all who have observed it or come in contact with it, and this extends to both food and dairy lines. I am not saying that the present commissioner is entitled to any credit. But if Mr. Hubbell really wants to find out what the wholesalers, jobbers and retailers of food products as well as the dairymen and creamerymen of the state think of the Minnesota dairy and food department, let him start his 'renovating' campaign, and immediately and energetically."

#### LIVE STOCK COMMISSIONERS CONVENTION.

The Interstate Association of State Boards of Live Stock Commissioners will hold their thirteenth annual convention at the Lexington Hotel, Twenty-second street and Michigan avenue, Chicago, Ill., September 13, 14 and 15. There will be papers read and discussed by the most able men in the United States. Arrangements have been made to invite and entertain several hundred stockmen of Illinois, and it is expected that this convention will be a great education to them along the lines of sanitation.

September 14 is Stock Yards Day, on which occasion the Union Stock Yards and Transit Company and the leading packers will entertain the members and guests, showing them everything worth seeing in the yards and concluding with luncheon at the Saddle and Sirloin Club.

The plant of the Malta Vita Food Company will be sold at public auction September 2 to satisfy a claim of \$25,000 held by the City Bank at Battle Creek.



**USE OF SACCHARIN HELD LEGAL IN INDIANA.**

In the case of the State of Indiana vs. Otto J. Zipperer, which was tried at South Bend, Indiana, on July 20th, the Court held that the use of saccharin in a soft drink known as "Orcherade" was not illegal under the law of Indiana, as was charged by the State Food Commissioner.

The charge made by the State was as follows:

"Count No. 1. Frank W. Tucker being duly sworn, says that on or about the 14th day of May, 1909, at St. Joseph County and State of Indiana, Otto Zipperer and Gus Goehner did then and there unlawfully manufacture for sale and offer for sale within the State of Indiana to one Frank W. Tucker one quart bottle of certain substance as and for human food and drink, to-wit: as and for Orcherade, which is an article and substance used as and for food and drink by man; that the same there contained a preservative, to-wit: saccharin, a substitute for sugar and also a preservative."

Contra to the form of the statutes in such cases made and provided and against the peace and dignity of the State.

"Count No. 2. Frank W. Tucker further swears that on or about the 14th day of May, 1909, at St. Joseph County in the State of Indiana, Otto J. Zipperer and Gus Goehner did then and there unlawfully manufacture for sale and offer for sale within the State of Indiana to one Frank W. Tucker one quart bottle of certain substance as and for human food and drink, to-wit: as and for Orcherade, which is an article and substance used as and for food and drink by man and that the same did then and there contain a certain substance, to-wit: saccharin, which said saccharin was and is a product of coal tar and was and is four hundred times sweeter than sugar; that said saccharin and said Orcherade were mixed in a manner whereby said Orcherade was made to appear and did appear better and of greater value than it really was and is, to-wit: that it was thereby made to appear that said Orcherade was sweetened with sugar which is of great food value and said Orcherade did not contain a proper amount of sugar and that said Orcherade contained in lieu thereof saccharin which has no food value."

Contra ect.

"Count No. 3. Frank W. Tucker upon oath deposes and swears that on or about the 14th day of May, 1909, at St. Joseph County in the State of Indiana, Otto Zipperer and Gus Goehner did then and there unlawfully manufacture for sale and offer for sale in said county and state to one Frank W. Tucker one quart bottle of certain substance as and for human food and drink, to-wit: as and for Orcherade, which is an article and substance used as and for food and drink by man, that the same was not pure Orcherade and that said Orcherade contained saccharin, the use of which in and mixed with or into any article of food or drink used as and for food or drink by man is prohibited by Rule 6 of the Rules Governing Canners and Packers in certain sanitary matters and in certain features of canning and preserving, which said Rule 6 was passed and adopted by the State Board of Health, September 12, 1907, and is in the following words and figures, to-wit:

"The use in food products of saccharin, dulcin, sucrol, grantose, hayden sugar crystals, glycin, or any coal tar sweetness is prohibited."

"Contra ect.

"Count No. 4. Frank W. Tucker upon oath deposes and swears that on or about the 14th day of May, 1909, at St. Joseph County in the State of Indiana, Otto J. Zipperer and Gus Goehner did then and there unlawfully manufacture for sale and offer for sale in said county and state to one Frank W. Tucker one quart bottle of certain substance as and for human food and drink, to-wit: as and for Orcherade, which is an article and substance used as and for food and drink by man, that the same was not pure Orcherade and that said Orcherade contained saccharin, the use of which in and mixed with or into any article of food or drink used as and for food or drink by man is prohibited by Rule 12 of the Rules Governing Canners and Packers in certain sanitary matters and in certain features of canning and preserving, which said Rule 12 was passed and adopted by the State Board of Health September 15, 1907, and is in the following words and figures, to-wit:

"RULE 12. PRESERVATIVES.

"The presence of any added antiseptic or preservative substance, except common table salt, salt-peter, cane sugar, vinegar, spices, or, in smoked food, the natural product of the smoking process, constitutes an adulteration. The use of salicylic acid, benzoic acid, boric acid, hydrofluoric acid, sulphurous acid, and compounds or salts of these acids; formaldehyde or formalin, and the various mixtures known to the trade as "freezine," "iceine," "formol," "preservalines" of various kinds, saccharin, bentanaphthol, or any other preservatives or their compounds injurious to health is prohibited."

"Contra to the form of the statutes, ect."

The defendant's attorneys made a motion to quash the affidavit, and this motion was argued before the court.

The judge said that there was no showing made by the state that saccharin was injurious to health. He asked Mr. Barnard, the State Food Commissioner, if the state claimed that saccharin was injurious to health, and Mr. Barnard replied that they were not making that contention in this case, but that the state claimed that the drink was illegal because saccharin was used as a substitute for sugar, also that the use of saccharin was forbidden by a ruling of the State Board of Health.

The defendant claimed that "Orcherade" was a proprietary product; that it contained about all the sugar it could hold in solution, and that only a small amount of saccharin was used to intensify the sweetness.

The defendant also claimed that since "Orcherade" was a proprietary product, the manufacturer had a right to make it out of any harmless ingredients he saw fit.

The judge held that in his opinion the State Food Commissioner has no right to interfere with a man's business when he is not using anything injurious to health, and he is not using a fraudulent label.

The "Orcherade" label was submitted to the judge and he said he could not see anything deceptive about it.

The judge held that the state had no case, and quashed the affidavit.

Mr. Barnard said the state would appeal.

The judge ignored the ruling of the State Board of Health forbidding the use of saccharin, and inti-



mated that they had no power to prohibit absolutely the use of any harmless ingredient.

Attorneys Lannen and Hickey of Chicago and Attorney Hoban of South Bend, defended the case against the State Food Commissioner.

#### **PART OF THE NEBRASKA FOOD LAW HELD VOID.**

That part of the Nebraska food law which provides that it is illegal to sell an article of food, the package of which contains any gift, premiums or prizes, has been held unconstitutional by Judge Stewart in the Lancaster County Court.

The part of the law held void is as follows:

"That for the purpose of this act an article shall also be deemed to be misbranded in case of food products if there be contained in the package any gifts, premiums or prizes."

When J. W. Johnson was food commissioner he was requested to bring a test case to find out if this was a good and valid provision. He refused to do so, fearing it to be an attempt to overturn the whole law. He was afraid that if he agreed to every test suit that he was requested to become a party to, each section could in turn be attacked, and while the test case was being dragged through the courts, the sale of interdicted stuff would continue. His policy was to notify each applicant who asked for a test case that the only test he would make would be upon each and every offense, and each sale would be held to constitute an offense. As dealers had no desire to be yanked into court they simply did not buy the goods, and there were no test cases and no sale.

The present food commissioner, Mr. Mains, consented to a test case in this matter, brought by manufacturers of a certain brand of ice cream powder and mincemeat. Grocer J. R. Burleigh agreed to be the goat. He was arrested and fined for violating this section, and the manufacturer's attorney immediately sued out a writ of habeas corpus, averring that he was being unlawfully deprived of his liberty. Judge Stewart holds that this is true, orders his release, and pronounces the section invalid for the reasons given.

In the case at bar the offense was alleged to consist in the inclusion in the packages of what is known as a library slip, a certificate or coupon redeemable in cash or in the purchase of subscriptions to magazines or books. It was contended that this was the manufacturer's way of advertising his wares, and that he had as good a right to use that plan as the manufacturers of other food products have to include in the price they charge consumers the cost of the advertising they do. The case will be appealed to the supreme court, Attorney General Thompson having some time since given out this opinion in the matter in a letter addressed to Commissioner Mains:

"It is my opinion that the spirit and the intent of the act which declares that in case of food products, if there be contained in any package any gifts, premiums or prizes, it shall be deemed a misbranding, is to require food products to be sold on their intrinsic merit and not by virtue of any prizes, slips, or coupons which are the evidence of prizes or may be used to pay for articles in the nature of prizes in connection therewith. These coupons or slips are calculated to furnish an inducement to purchase these food products independent of the intrinsic merit of the products themselves, and the use of some either inside of the package or attached thereto are violations of the spirit of the law and the intent of the legislature clearly inferable from the language of the act. Your construction holding that they are violations of the law in my judgment is sound and should be adhered to."

The points raised by the manufacturers were:

First—The legal authorities have unanimously declared that the legislature of a state may not limit the free right of contract except in its proper exercise of the police power and that the police power may be exercised only in safeguarding the public health, morals, or safety, and that the giving of prizes, premiums, or gifts, whether by way of coupons or otherwise, in respect to the sale of food or other products, may be limited by the legislature as a matter falling within the fair and reasonable exercise of the police power.

Second—The statute is unconstitutional for the reason also that it is unfair class legislation.

One case quoted at length to the court held:

"It cannot truthfully be maintained that this legislation

does not seriously infringe upon the liberty of the owner, or dealer in food products to pursue a lawful calling in a proper manner, or that it does not, to some extent at least, deprive a person of his property by curtailing his power of sale, and unless this infringement and deprivation are reasonably necessary for the common welfare, or may be said to fairly tend in that direction or to that result, the legislation is invalid or plainly violative of the constitutional provision under discussion.

"It is further argued, however, that the act is valid as a health law, a regulation of trade in food, and to prevent dealing in impure, unwholesome, and adulterated food. The same principles apply here as have already been stated; i. e., there must be some fair and reasonable relation of means to end which courts can see and admit the force of. We think it clear that there is no such relation here. We think the act has not the slightest tendency to accomplish the alleged purpose. . . . In reality it was passed for the purpose of protecting those dealers in food articles who preferred not to engage in this kind of business in connection therewith, and who therefore desired to prevent any one else from engaging in it."

#### **SODIUM BENZOATE AND SULPHUR DIOXIDE.**

Rule No. 6, under the provisions of the new food law, reads as follows:

Under the fourth proviso of the fifth clause of section 3, the following articles of food are designated as those articles of food in which benzoate of soda or benzoate acid have heretofore been generously used, to-wit: Catsup, mince-meats, sweet chow-chow, sweet pickles, preserves, jams, jellies, fruit-butters, shredded and dried codfish, and cider, when used as a food ingredient. For the purpose of this act one-tenth of one per cent of benzoate of soda, or benzoic acid, equivalent thereto, may be used in the foods above enumerated, provided the fact that sodium benzoate has been used in preparation of such foods shall be plainly stated on each package thereof. The use of sodium benzoate is not permissible in any other articles of food, except those hereinabove designated. The word "package" as used in the fourth proviso of the fifth clause of section 3 of the act shall include all containers, whether supplied by the dealer or by the consumer.

It is not the province of the Bulletin to criticize the acts of the Legislature. It presents the words of the act of Assembly and commends them to the serious attention of all manufacturers, dealers and consumers. So far as possible the provisions of the act and the requirements of the rules will be rigorously carried into effect. The law plainly prohibits the use of benzoate of soda except as hereinbefore stated, and it seeks to give housekeepers ample protection and sufficient information by the following additional precautions which are thus embodied in rule 7, as formulated by Dairy and Food Commissioner Foust:

Rule 7—Sodium Benzoate and Sulphur Dioxide, Continued. —When any quantity of sodium benzoate or sulphur dioxide has been used in the preparation of a food that fact shall be plainly stated on each package, and the act also provides, under the fourth clause of section 4, relating to misbranding, that the labeling of packages required by this act shall be on the main label of each package, and in type not less than 8-point brevier caps in size, unless the size of the package will not permit the use of 8-point cap type, in which case the size of the type may be reduced proportionately and in such position and terms as may be plainly seen and read by the purchaser. Under these separate clauses the presence of sodium benzoate or sulphur dioxide will be held to be plainly stated on each package of such food, when stated in such a way as that it may be plainly seen and read by the purchaser, in colors contrasting with the ground on which it is placed and in character of type and position upon the container in conformity with the provisions of the act.

Thus it will be perceived that while the law authorizes the use of these preservatives in limited quantities in food products in which their use has heretofore been allowed, it takes every precaution to prevent deception. The eminent scientific gentlemen who told President Roosevelt that large quantities of benzoate of soda mixed with food have no appreciable injurious effect upon the organs of the human body would certainly be pleased to partake freely of food thus preserved. But there may be others who prefer to accept the opinion of Dr. Wiley and who are, therefore, anxious to avoid food products which contain this preservative. The Legislature took the matter into consideration, and while it acceded to the desires of certain manufactures it also took steps to fully enlighten the householder, or whoever does



the buying for the family dinner table. For that reason the requirement was adopted providing that the presence of sodium benzoate or of sulphur dioxide in any article of food shall be plainly indicated.

This precaution weakens the criticism of the law. For if the labels do not properly indicate the presence of the adulterant the law is violated and the manufacturer or the dealer is liable to prosecution and punishment. And if the label is properly prepared than those who disagree with the eminent chemists who assure us that there is nothing harmful in benzoate of soda will be warned and can avoid all food preparations containing it. And should this be the fact, the persistence of the much discussed preservative will depend upon the number of friends it has. Should a decided majority of the consuming public simply decline to purchase foods containing it there will be a rapid change of front by those manufacturers still using it. For manufactures make goods to sell. If they find that a certain way of preparing their goods is not popular with the public and markedly diminishes their market value, they will soon effect a change of base. Thus the final disposition of the matter is entirely in the hands of the housekeepers of the State.—Pennsylvania Bulletin.

#### SEEK TO MOVE FOOD BUREAU.

An effort will be made at the next session of the legislature to have the Mississippi food and fertilizer inspection bureaus transferred from the Agricultural and Mechanical College to the supervision of the department of agriculture and commerce, with headquarters in Jackson. A very strong sentiment in favor of this proposition was manifested at the last legislative session, but the matter was not given mature consideration, owing to the crush of other matters pending on the legislative calendars.

It is becoming apparent, however, that both manufacturers and consumers are not satisfied with having this inspection work done at a state educational institution, and this feeling of dissatisfaction also exists among members of the legislature, who believe that there should be a more direct and effective state supervision of the work; that it is a matter that belongs to one of the established branches of the state government, and should not play any part in the affairs of a college supported by state appropriation; that more effective measures can be employed by putting the work under the supervision of the department of agriculture and commerce, where it properly belongs, and also that it can be carried on more cheaply by having the corps of inspectors make their headquarters at the state capital.

It is presumed, of course, that the friends of the Agricultural and Mechanical College will oppose the suggested change, but in view of the recent internal troubles in the institution, and the vigorous war waged on President Hardy, they are hardly in a position to offer stubborn resistance, especially as it is generally believed that the internal troubles of the college will be brought prominently before the legislature.

Aside from the desirability of central location, the "News Scimitar Special" says, and the fact that more intimate state supervision ought to be given to this important work, the old state house question is very directly involved in the matter. If the department is moved to Jackson it will doubtless be located in the old capitol building, after that structure has been properly renovated and repaired, for there is not sufficient room for a chemical laboratory in the new state house. A very strong sentiment in favor of preserving the venerable structure at the head of Capitol street is being manifested throughout the state, and any bill looking to its sale or condemnation will be bitterly opposed by the Confederate organizations, the women of the state, and a very large majority of the state papers. It would form ideal quarters for the food and fertilizer inspection department, and in addition would furnish sufficient room, if properly repaired, for the supreme court and state library, both of these departments being badly cramped for quarters in the new building. The members of the supreme court are anxious to move to more commodious quarters, and better facilities for the state library are imperative.

#### WHISKY RULING DELAYED.

It was positively stated at the White House that the president would not take up the whisky case until the tariff has been disposed of. About a dozen briefs of exception to the Bowers decision upon the question, what is whisky, were filed at the White House the first of this month. Although the matter is officially awaiting the pleasure of the president, it

is impossible to forecast whether he will act upon it before he leaves the city or after he reaches his summer home at Beverly, Mass.

In the meantime the Roosevelt order in the matter of branding and marking whisky will remain in force until President Taft thinks it right to overturn it and issue an executive order based upon the Bowers decision. In some quarters it is rumored that the president may now let the matter be decided by the Courts.—The New York Journal of Commerce.

#### USE OF ALUM IN PICKLES CLAIMED NON-INJURIOUS.

Washington, July 29 (Special).—E. O. Grosvenor, attorney for the Williams Brothers Company, packers and preservers of Detroit, Mich., and claiming to represent 90 per cent of the pickle packers in the United States, has filed a brief with the Department of Agriculture in the investigation of the effects of using alum in food preparations. Along with the brief is an affidavit of W. C. Warner, the Philadelphia representative of the Williams Company, contradicting the testimony submitted to the Food Inspection Board to the effect that certain school children of Philadelphia had been harmed by the eating of pickles preserved with the use of alum. There is also attached a report of Dr. E. E. Smith, of New York, on some laboratory experiments.

The brief states that alum as found in fresh cucumbers is a natural constituent thereof that metallic substances unite with proteids to form insoluble compounds. It claims that when the cucumber is transformed by the process in which alum or other salt of aluminum is employed into the edible produce, the pickle, additional aluminum is introduced into the vegetable. It states that only small quantities of alum are necessary or are ordinarily used in the preparation of pickles and that alum has been used for many years in preparing pickles in the homes of the civilized world.

A brief has likewise been filed by the Royal Baking Powder Company and signed by F. J. Boselly, president. This brief offers evidence attempting to demonstrate that alum and aluminum salts are deleterious substances rendering the food containing them injurious to health. The Royal people claim that they manufacture only cream of tartar baking powder of absolute purity and permit no alum or aluminum salt to enter into its products. Further than an interest in pure food regulations they claim to have no purpose in presenting their testimony.

The brief points out that England, France, Germany, Italy, Belgium, Switzerland and others have laws against the use of alum. It claims that the bread made with an alum baking powder contains alum. It says that there is no difference between alum and hydrate of alum and that hydrate of aluminum is a deleterious substance.

With the brief are filed statements made by Dr. P. Schweitzer, of the University of Missouri; C. A. Crampton, chemist of Washington, D. C.; R. H. Chittenden, of the Sheffield Scientific School of Yale University; Willis G. Tucker, of the Albany Medical College; J. W. Mallet of the University of Virginia, and Chas. Harrington, of the Harvard Medical College.—The New York Journal of Commerce.

#### HEARING ON PURE YEAST.

Washington, July 29 (Special).—The Board of Food Inspection has announced that on August 3, there will be held a general hearing on the subject of the present practice in the manufacture and labeling of compressed yeast and other yeast preparations. The hearing will begin at 10 a. m., in the board room adjoining the office of the chief clerk, Department of Agriculture. A notice to this effect has been sent to all persons likely to be interested in the matter. Some of the points to be considered are as follows:

First. The use of starch as an admixture to compressed yeast. (A) Is there any reason why such admixture should not be considered as constituting an adulteration? (B) What effect does the admixture of starch to a given yeast have upon the amount of that yeast which it is necessary to use for baking purposes? (C) What effect does the bacterial content of a starch have upon the yeast in which it is used as an admixture and upon a bread in the preparation of which such a starch yeast mixture is used? (D) Is it possible by the addition of starch to improve the appearance of an inferior yeast from whatever cause? (E) Is there any reason why a manufacturer should be permitted to label a starch yeast mixture as "pure compressed yeast?"

Second. The use of beer yeast for baking purposes. (A) Does brewery yeast produce satisfactory results? (B) Is the practice of using brewery yeast, either by itself or mixed



with compressed yeast, at all general? (C) Should a manufacturer be permitted to label brewery yeast or a mixture of brewery and compressed yeast as "pure compressed yeast?"—The New York Journal of Commerce.

### WRIGHT BEGINS PROSECUTIONS.

State Food and Dairy Commissioner H. R. Wright last week began more prosecutions under the state pure food law, sending information and chemist's reports to the various county attorneys where his inspectors have been at work. The list of defendants follows:

Grand Union Tea Co., of Dubuque, charged with selling essence of wintergreen with artificial colorings and low in oil.

E. J. Edwards, of Alta; H. Ahrens, of Mapleton; W. C. and M. Rauscher, of Mount Sterling, and J. G. Cox, of Mount Vernon, charged with selling adulterated linseed oil, in each case purchased from the American Linseed Oil Co., of Omaha.

Ira De Young, of Keokuk, charged with selling imported French peas colored with sulphate of copper.

R. O. Smith, of Bloomfield, charged with selling mislabeled vanilla flavoring extract.

G. Highley, of Atlantic, and A. B. Buffham, of Oxford Junction, charged with selling mislabeled vanilla extract.

Charles B. Moore, of Dubuque, charged with selling strawberry pop sweetened with saccharin.

### PURE FOOD DEPARTMENT AFTER THE LARD MAKERS.

#### Complaints Made About Quality of Product at Kansas City

The Kansas Pure Food department is making war on the packing houses at Kansas City because of their failure to sell pure lard. Suits have been started against the retailers of the lard, but they will shift the responsibility to the packing companies. The inspectors who have examined the lard and reported upon it to the state department say of it "that the fat used in making the lard are the trimmings gathered up from the large markets, found in the scrap boxes which are unfit for food purposes; being spoiled and tainted. Soda has been placed in it in large quantities to kill the odors in the finished product. Lard branded as pure was found to contain refined cottonseed oil, beef stearine, back fat and tallow."

The fight has only started and it will probably result in an examination of the lard placed on the market all over the state.

### BAKERS MUST COMPLY WITH FOOD LAWS.

The Kansas Food Law requires a copy of the bake shop rules to be posted in the working rooms of each bake shop in Kansas. These rules are furnished by the Kansas State Board of Health. Topeka, Kansas, printed on heavy card board of proper display size and lettering 12x18 inches free of charge, to all who may ask for them to be sent, and why should the bakers take the chances of being prosecuted under the law, which provides a fine of \$100 against any person or association violating its provisions.

### STATE INSPECTORS BUSY IN KANSAS CITY KANSAS.

Kansas City, Kan.—Fifteen warrants were issued in the city court this week against that many violators of the food law. Some for keeping food products too low on the sidewalks, others for keeping spoiled meats, others for keeping unclean and unsanitary ice boxes, bakers and butter men for not giving full weight, farmers and commission men for not legally labeling short quart berry boxes as the law requires.

### WHISKY AS A MISTAKE.

(From the Houston Post.)

A Kentucky preacher says whisky is the greatest mistake which has ever been inflicted upon the human race. Yes, it seems to be one of the mistakes that get worse the more you try to rectify it. "A rectified mistake."

F. I. D. 108.

Issued June 19, 1909.

## United States Department of Agriculture

OFFICE OF THE SECRETARY.  
BOARD OF FOOD AND DRUG INSPECTION.

### FOOD INSPECTION DECISION 108.

#### IMPORTATION OF COFFEE.

The department has recently investigated the sale and shipment, within the jurisdiction of the food and drugs act of June 30, 1906, of decomposed, imperfect and damaged coffee. A public hearing on this subject was held by the Board of Food and Drug Inspection on December 15, 1908, at which an opportunity to be heard was given to the trade and to the public.

As a result of the investigation and the evidence adduced at the hearing, it is announced that the product ordinarily known as "Black Jack," consisting of rotten or decomposed berries, is regarded by the department as injurious to health and the food and drugs act forbids its shipment or sale within the jurisdiction of the said act. Coffee which is damaged by water during shipment, or which has acquired a permanently offensive odor because of its proximity to hides or other material of objectionable odor, is considered by the department to come within the phrase "filthy, decomposed, or putrid," within the meaning of that phrase as used in the food and drugs act, and its shipment or sale as hereinbefore stated is, therefore, held to be forbidden. Immature berries, ordinarily known as "Quakers," are dead beans without pronounced smell or taste. They have not the characteristics of coffee, and, in the opinion of the department, their shipment or sale as coffee within the jurisdiction of the act is in violation thereof.

It is recognized that the ordinary coffees of commerce usually contain small quantities of these inhibited products, and no action will be taken in regard to the shipment or sale of the recognized graded coffees of commerce because of the small amount of these substances which may be present. In determining the present action of the department on any particular lot as to whether it contains more than the ordinary small quantities of the inhibited products, coffee graded as No. 8, on the New York Coffee Exchange, will be taken as a standard.

Screenings consisting of inferior or broken berries, of stones, sticks, dirt, etc., should not be sold as coffee even in a ground condition. This product should be designated as "Coffee screenings."

F. L. DUNLAP,  
GEO. P. McCABE,  
Board of Food and Drug Inspection.

Approved:

JAMES WILSON,  
Secretary of Agriculture.

Washington, D. C. June 15, 1909.

### CIVIL SERVICE EXAMINATION FOR ASSISTANT CHEMIST.

#### Department of Agriculture, September 15-16, 1909.

The United States Civil Service Commission announces an examination on September 15-16, 1909, to secure eligibles from which to make certification to fill one vacancy in the position of assistant chemist qualified in organic chemistry, at a salary of \$1,800 per annum, and other vacancies in the position of assistant chemist, at salaries of from \$1,200 to \$1,800 per annum, as they may occur in the bureau of chemistry, Department of Agriculture, unless it shall be decided in the interests of the service to fill the vacancy by reinstatement, transfer, or promotion. It is probable that fifteen or twenty appointments will be made within the next few months.

Appointments to the higher grade positions will be made of eligibles whose applications show them to have secured the degree of Ph. D. or training equivalent thereto.

Appointments to the lower grade positions will be made of eligibles whose applications show that they have had education and training equivalent to the degree of bachelor of science. The usual entrance salary is \$1,200 per annum, and the salary of \$1,400 will be paid only to eligibles who have had exceptionally good experience of not less than two years since graduation.



It is stated by the department that men experienced in tannery chemistry and paper making chemistry will probably be needed in the near future. Applicants having experience along these lines are therefore requested to set forth fully such experience in their applications.

The examination will consist of the subjects mentioned below, weighted as indicated:

Subjects.	Weights.
1. Practical questions on theoretical and applied chemistry (consisting of (1) general chemistry, including organic and physical chemistry, and (2) analytical chemistry....	50
2. Translation from French or German.....	10
3. Education, training, and experience (including undergraduate education and training; post graduate training, university education, or other training of similar nature; practical experience in analytical or technical chemistry)	40
Total .....	100

Two days will be required for this examination.

Applicants must indicate in their applications that they have had an education and training equivalent to the degree of bachelor of science from a reputable institution. This examination is of such a nature that it is believed applicants should have had a course of chemistry equivalent to three years with at least nine recitation hours per week, three laboratory hours being counted as one recitation hour.

Those whose applications do not indicate that they have had sufficient education and training, exclusive of practical experience, to entitle them to a rating of at least 70 per cent in this subject will not be admitted to the examination.

Both men and women will be admitted to this examination. Age limit, 20 years or over on the date of the examination.

This examination is open to all citizens of the United States who comply with the requirements.

This announcement contains all information which is communicated to applicants regarding the scope of the examination, the vacancy or vacancies to be filled, and the qualifications required.

Applicants should at once apply either to the United States Civil Service, Washington, D. C., or to the secretary of the board of examiners at any place mentioned in the list printed hereon, for application form 1312. No application will be accepted unless properly executed, including the medical certificate, and filed with the commission at Washington prior to the hour of closing business on September 4, 1909. In applying for this examination the exact title as given at the head of this announcement should be used in the application.

Issued August 6, 1909.

### INTERNAL REVENUE DECISION.

(T. D. 29914—G. A. 6922.)

*Preserved Caviar.*

Caviar Preserved—Fish Roe—"Preserved for Food Purposes"—Similitude.

Caviar in tins and kegs, which has been in brine and as imported is in a salted condition which is necessary to keep the material suitable for food, is "preserved for food purposes" within the meaning of paragraph 549, tariff act of 1897, excluding from free entry fish roe preserved for food purposes. Caviar in this condition is dutiable by similitude under the appropriate provision for fish in schedule G of said act.

United States General Appraisers, New York, July 16, 1909.

In the matter of protests 291700, etc., of Hansen & Dieckmann et al. against the assessment of duty by the collector of customs at the port of New York.

Before Board 1 (Sharretts, McClelland and Chamberlain, general appraisers; signed by Fischer and Chamberlain, G. A.)

Chamberlain, General Appraiser: The merchandise under protest is caviar, is known commercially as such, and is imported for use as food. Upon that imported in packages of more than 100 pounds, duty was assessed at the rate of three-fourths of 1 cent per pound under paragraph 261 of the tariff act of 1897 as fish not specially provided for; and upon the caviar in tins duty was assessed at the rate of 30 per cent ad valorem under paragraph 258, relating to all other fish (except shellfish) in tin packages. The merchandise is claimed to be entitled to free entry under paragraph 549, which reads as follows:

Eggs of birds, fish and insects: Provided, however, that this shall not be held to include the eggs of game birds or eggs of birds not used for food, the importation of which is prohibited except specimens for scientific collections, nor fish roe preserved for food purposes.

From an examination of the testimony it is obvious that the only question of fact presented is whether the merchan-

dise is "preserved for food purposes," so as to take it out of the provision of paragraph 549.

Under former tariff acts caviar was provided for in the free list as fish eggs, without limitation, and the board held that it made no difference in what condition the merchandise arrived; whether dried, salted, or in tins, it would be entitled to free entry as fish eggs. G. A. 505 (T. D. 11062) and G. A. 2897 (T. D. 15716). Under the present tariff act, however, Congress has deemed fit to add an excluding clause to paragraph 549, which clause provides for the free entry of fish roe or eggs, on condition that they are not "preserved for food purposes."

It is true that caviar has been the subject of decision by the United States Circuit Court of Appeals, second circuit, wherein it was held to be dutiable by similitude to fish. *Menzel vs. United States* (142 Fed. Rep., 1038; T. D. 27118). But the question of free entry was not then before the court, and it must therefore be considered anew.

Caviar is the roe of the sturgeon. The fish is cut open, the roe taken out, cut and rubbed in a sieve, from which it drops into a 10 or 12 per cent solution of brine. The testimony shows that the brine is for hardening the eggs and, further, that if the brine were not present the caviar could not keep in a fresh condition and therefore would be unsuitable for food. Furthermore, the definition of "caviar" in the standard dictionaries, and a description of "Fish as food" in the *New International Encyclopedia*, would seem to sustain the contention that the merchandise is preserved. The dictionaries define "caviar" as a preparation for the table of the roes of certain large fish preserved by salting, and the encyclopedia classifies caviar as preserved fish in contradistinction to fresh fish.

We find the merchandise to be fish roe preserved for food purposes, and on the authority of *Menzel vs. United States* (supra) hold it dutiable by similitude to fish at the rates assessed.

The protests are overruled and the decision of the collector affirmed in each case.

### INTERNATIONAL EXPOSITIONS, FRANCE.

EXPOSITION INTERNATIONALE DU NORD DE LA FRANCE.

Consul Joseph Emerson Haven, of Roubaix, furnishes the following preliminary information concerning the exposition which will be held at that place during the summer of 1911:

At a meeting of the commission it was decided that the exposition should cover a large portion of the Park Barbieux, and some adjoining land, and that it should be known as the "Exposition Internationale du Nord de la France." Everything will be done to make it rank, in proportion to its size, with the best of international expositions. It will offer a good opportunity for the introduction into this district of American manufactures, such as pianos, washing machines, typewriters, office fixtures, labor-saving tools, general machinery, etc.

As far as ascertainable at the present time, the exhibits will be divided into the following groups: (1) Exhibits of technical instruction, art, science, and photography; (2) mines and quarries, tools and machinery; (3) metallurgy; (4) general mechanics and electricity; (5) building materials, civil engineering, and transportation materials; (6) textile industries, raw materials, machinery, tools, and manufactured textiles; (7) women's and children's building, clothing and articles for domestic use; (8) industrial chemistry, leather and skins; (9) decorative art and various industries; (10) agriculture and horticulture; (11) liquid and solid food products; (12) brewing and distilling; (13) social economy and hygiene; (14) colonial products. (A list of the committee of administration is on file in the Bureau of Manufactures.)

### EXPOSITION IN CHILE.

AMERICAN DISPLAY POSTPONED UNTIL NEXT YEAR.

Consul Alfred A. Winslow, of Valparaiso, writes that according to the best information obtainable there the exposition of American products that was to have been held in Santiago during October and November, 1909, has been postponed until the spring of 1910. He says:

This seems to be a good move, since it will give more time to advertise the undertaking and will allow the interested firms in the United States sufficient time to study the conditions and to properly prepare and install their exhibits. Such an exposition of American products as is proposed will be of very great value to American interests if the matter is taken up seriously and thoroughly. Otherwise, it will have the contrary effect. Only such goods and machinery should



be put on exhibition as may be suited to the needs of this country. This feature should be carefully studied, and nothing should be brought here for which there may not be a demand in sight. The field is broad, since it covers most kinds of agricultural, mining, electrical, and industrial machinery, manufactured articles in general, some classes of raw material, and some lines of food products. Before deciding on an exhibit it might be well to consult the Chilean consul-general in New York, or some of the Chilean consular representatives located in other cities of the United States, as to the probability of creating a demand for the goods to be exhibited. It will save money for those who might make the mistake of exhibiting something that could not be sold here, and will leave more space to the many who have practical articles to exhibit.

The Chilean public seems quite enthusiastic over the enterprise, and the Chilean Government has freely granted the use of three large well-arranged buildings built for exposition purposes. Provision has been arranged for the entry of all exhibits in bond.

#### DAIRYING IN CHINA.

LIMITED OPERATIONS OF INDUSTRY—SALE OF CONDENSED MILK. Although the Amoy district is the best cattle-producing district in the 18 provinces in China, Consul Julian H. Arnold, of Amoy, says that dairying among the Chinese is practically unknown. He also gives the following account of the industry:

The Chinese cow has been bred as a work animal rather than for milking purposes, and beyond feeding her calf it appears that she has almost lost her claim to being a dairy animal. A cow in China is seldom milked without the assistance of the calf. Illustrative of the limited extent of the use of fresh cow's milk among the Chinese it may be stated that in Foochow, a city as large as St. Louis, the few who would have pure cow's milk are supplied by a walking dairy. The milkman leads his cow to the front door of his customer's house, and there, in his customer's presence, milks the required measure. The ordinary customer takes no more than about a third of a pint. After one is supplied the cow man leads his cow and calf to the front door of the next customer, and thus passes on until all customers are supplied or his walking dairy's limited supply exhausted. There are probably no more than a half dozen such dairies in Foochow.

#### MILKING THE WATER BUFFALO

Undoubtedly the best milk-producing animal in China is the water buffalo. Although this animal is used primarily for farm purposes, yet it is milked to a limited extent, the milk being fairly rich in fats.

The Amoy foreign community's demand for fresh milk is only partially supplied by several native so-called "dairies," each of which has two or three cows and several water buffaloes. Inspection by foreign physicians keeps the milk up to as good standard as possible.

The black goat probably furnishes the largest amount of fresh milk for the Chinese people. A white goat is scarcer in China than is a black sheep in America. Owing to the general lack of dairying throughout China, Manchuria excepted, the manufacturer of condensed milks has found the market a profitable one, and gradually that article is forcing its way into the most remote villages of the Empire. It appears that it is through the introduction of condensed milk that China is learning to appreciate the value of milk, and her education in this direction will undoubtedly lead to an interest in dairying. When this interest is once aroused the Amoy hinterland will have an opportunity to add a very remunerative industry, for there is probably no better cattle-grazing land in the 18 provinces.

The experiments which Professor Myer E. Jaffa, head of the pure food laboratory at the University of California, is about to make with bran as a substitute for coffee may bring to light new scientific facts, but the idea will not be new. If Professor Jaffa were a New Englander, he would probably be able to remember that his grandmother used to roast bran and make "coffee" from it in the good days on the farm. The taste is all right enough, but it is doubtful if a Balzac would be able to keep awake on it while writing a human comedy.—Eastern Exchange.

We notice that in the Joliet, Ill., Herald that Frank J. Hoey and Harrison Kennicott, State Food Inspectors, are making their annual inspection of food in Joliet.

No other food publication in this or any other country furnishes real up-to-date news such as is presented to our readers.

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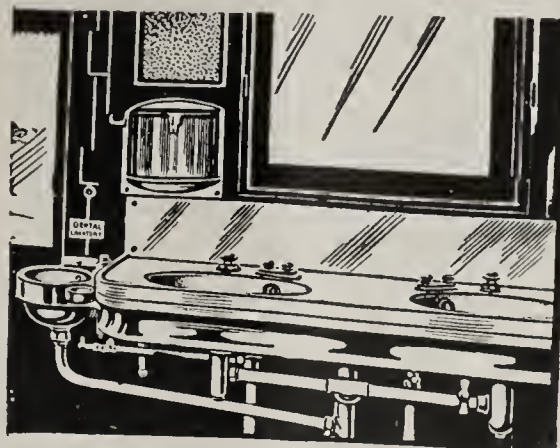
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## DENTAL LAVATORIES.

The "Alton's" Latest.

Did you ever notice the ugly habit in sleeping cars of people cleaning their teeth in the regular lavatories? The new equipment of the Chicago & Alton Railroad presents an inviting change in that respect. New Pullmans have a neat little dental



lavatory for this purpose exclusively; and more that the water, instead of chilling sensitive teeth, has the chill removed. A rinsing apparatus for automatically cleansing the bowl is also a feature, and separate water glasses are provided. A traveler recently said: "If for no other reason, I'd travel over the Alton just for this new idea." It's a big advance, but not the first made by the popular C. & A., which is the pioneer Pullman sleeping car line, the pioneer dining car line and the pioneer reclining chair car line.

*News Item, not an Advertisement*—For the information of the editor. If cut to illustrate is desired, please address

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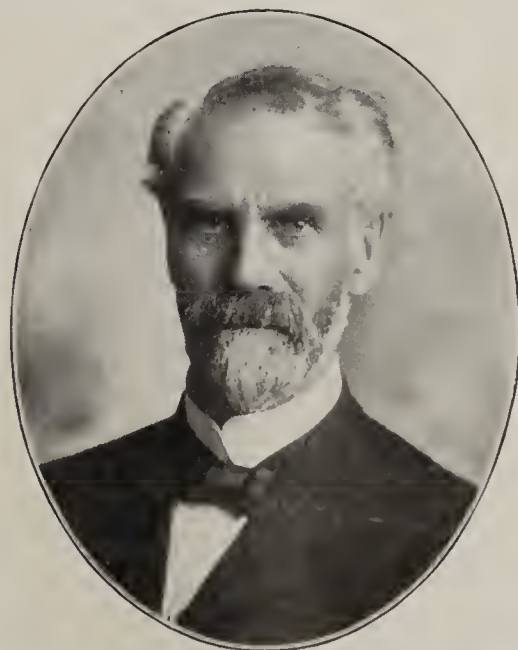
## Report of Proceedings of the Thirteenth Annual Convention of the Association of State and National Food and Dairy Departments. at Brown Palace Hotel, Denver, Colorado, August 24-27 inclusive.

*Special Stenographic Report by Doyle Hart & Gehman,  
Court Reporters and our own Corps of  
Three Special Correspondents.*

DENVER, COLORADO, August 24, 1909.  
Brown Palace Hotel.  
10:00 O'Clock A. M.

The convention was called to order promptly on the hour by President Emery who said: Gentlemen of the

Association of State and National Food and Dairy Departments: The time has arrived for the opening of the program of this session. I am requested to invite you to come as close together as is convenient, as there is a photographer here who wishes to get a picture of this assemblage this morning.



PRESIDENT J. Q. EMERY,  
Chairman of the Convention.

I have the honor and pleasure of introducing to you His Excellency John H. Shafroth, Governor of Colorado. (Applause.)



THE BROWN PALACE HOTEL, DENVER.  
"Where the mob met." (With apologies to Dr. C. J. Woods,  
Director of the Maine Agricultural Experiment Station.)



Governor Shafroth: Mr. President, ladies and gentlemen, and members of the Association of State and National Food and Dairy Departments: In behalf of the state of Colorado, I most cordially welcome you to our state, and hope that your stay within our city will be pleasant. I recognize that you are gentlemen of that class which we term experts; you have peculiar knowledge of the various offices which you hold and of the duties thereof, and I know that your deliberations will be profitable, not only to the people of this state, but to yourselves. It is needless for me to say that I most cordially welcome a body which has within it the greatest Secretary of Agriculture this country has ever known (great applause), and you may know that that is a compliment well deserved when I tell you that I am a Democrat and he is a Republican (applause); and, further, I can tell you that while I was in Congress I said it on the floor of the House, and it was the consensus of opinion of both the Republican and Democratic sides of the House. (Applause.)

I am also proud that you have within your list of delegates here the celebrated Dr. Wiley of Washington. (Applause.) Such distinguished men we feel proud to receive in this city, and I know that you honor them in every way.

I cannot conceive, gentlemen, why it was that the Congress of the United States failed for years and years to pass any pure food legislation. It was a mystery to me while I was in Congress. I was in favor of legislation of this character for years, and so manifested it upon all occasions where I had an opportunity to manifest it; but, for some reason, on account of some influences, these salutary laws that now would not receive any vote at all for the repeal thereof are recognized as wholesome and proper legislation. Without our pure food laws, the man who wanted to deceive, the man who wanted to cheat, was given the advantage over the honest man in his business. In fact men who wanted to sell one article for another, had such an advantage that the honest person who engaged in any of the pursuits which this law touches was at such a disadvantage that the dishonest or the deceitful man could run out of business his honest rival; and yet that was the condition of this country until two or three years ago, when the pure food law of the nation was passed, and it was about that same time that the pure food law of this state was passed. I recognize that there must be co-operation between the National Government and the State Government. (Applause.) It is necessary for the man upon whom the law operates to know his status. If he has laws of a diverse nature, one by the National Government and another by the State Government, he is at a disadvantage, and not only that, but he becomes disgusted with the laws when he does not know, perhaps, that he is violating the law in doing a certain thing.

The state of Colorado, in its Sixteenth General Assembly, established a pure food department of this state, and it took for its guide the national legislation which had been enacted six or eight months before, and therefore, in this state at least, we have the advantage of having that co-operation and that similarity in the laws that is for the best interests of all of the people, sellers as well as buyers. (Applause.)

My friends, I hope that that co-operation will exist throughout all of the states of the Union, and that

purchaser and will not put a seller at a disadvantage with an unscrupulous rival. I know that that is your object; I know your object is that when an article is sold it must be what it is represented to be. It is to know and should know that when he buys a thing he gets what he buys.

Now, my friends, I know that you have many questions not necessary, of course, that it should be deleterious in its composition, but the purchaser has the right to discuss: you want to perfect these laws, and we want to see them perfected, and I know that your deliberations will be entertaining, especially to you. They may be of such a technical nature as not to be so entertaining to the public, but nevertheless it is a great work, it is a work which the nation has needed for years and which, now that we have received it in the form of legislation, makes it of great benefit to the public.

We hope that after your deliberations here are over you will go into the mountains and see the finest scenery in the world. I hope you will visit our city, particularly the residence portion of our city, of which we are justly proud. We are advancing here at a ratio we will have laws in every state that will protect a which almost might be termed geometrical. We have a progress on in this city that we would have called twenty years ago a great boom. When we take into consideration that the building permits in this city last month were fifth in amount of the cities in the United States you can recognize the fact that there is a great building boom on in this locality; but far greater than any city boom is the great agricultural advancement that we are making in the irrigated districts of our state. There we are making a return, an increase in number of acres, an increase in price per acre, that is almost marvellous to those who live in countries or states where irrigation does not exist. By the application of moisture at the time the crop needs it, there is no such thing as failure of crop, and by proper application the quantity of products can be multiplied twice and even three times. And that, of course, is reflected in the price which the man is able to obtain for his agricultural lands. The number of enterprises that are being commenced and are being pursued and being finished in the way of irrigation enterprises is perfectly marvellous, and I have no doubt that within five years from this date, nay, as soon as the projects that are now under construction are finished, there will be 4,000,000 acres of irrigated lands in the state of Colorado. We hope, my friends, that you will examine that portion of the state where agriculture is intensified by the application of water through irrigation. I am satisfied that you will see crops there that will make you feel that this is one of the chosen spots of the earth.

I hope that your deliberations will be pleasant, and that they will be of great benefit to the nation and to the state. I thank you. (Great applause.)

President Emery: I now have the honor and pleasure to introduce Senator Irby, who will represent Honorable Robert W. Speer, Mayor of Denver. (Applause.)

Senator Irby: Mr. President, ladies and gentlemen: It gives me very great pleasure, on behalf of the Mayor, and through him the people of Denver, to extend to you a warm Western welcome, a welcome augmented and accentuated by our admiration for men and women who are devoting their splendid tal-



ents and energies to the betterment of our food supply. Now that the revision upward of the tariff tinkers has proved to us that we cannot get our bread and meat any cheaper, let us console ourselves with the very laudable undertaking of making it purer and better. If we cannot reform the tariff on the staff of life, let us reform the staff itself. We of Denver are fortunate in having very wholesome food, thanks to your efforts, although I am afraid my scanty avoirdupois would lead you to doubt that. I regret that the Mayor, with his 220 pounds, is not here, because he is a much better advertiser for Denver tables than I am, although he only eats two meals a day, whereas I eat three, with sometimes a matinee sandwiched in between. Therefore it seems it is quality and not quantity that we should seek. It may be, however, that I have to rustle so hard to get enough to eat that it keeps me poor to carry it around. I sympathize very much with the Missouri farmer who used to call his hogs to feed. They asked him why his hogs were so bony; he said he used to call them to feed, and he, having lost his voice, it was necessary to knock on the fence to attract their attention, and the durned woodpeckers knocking in the trees kept his hogs running hither, thither and yon to such an extent that he did not think there was corn enough in Pike county to keep them fat. But I am an optimist, gentlemen; I believe in bones; they have their uses, even if only to serve as a warning on a poison bottle, whether the poison is benzoate of soda or anything else, whether offered us by the Remsenites, the Wileyites or any of their satellites. (Laughter.)

We are very glad to have you in Colorado, the state of pure air, glorious sunshine and magnificent mountain scenery. The Creator has done generously by us, and man in this city is showing his appreciation with the saw and hammer, with the shovel and the broom, and if they keep it up in right good heart, the time may come within the memory of some living today when we will have a city which will be a model of that fabled habitation of which it was said that "all her homes were temples and all her seasons summer." We have here, gentlemen, a variety among our inhabitants which will keep you from feeling in the least homesick. We have, by way of variety only, the publican and the sinner, the scribe and the Pharisee, the Greek and the barbarian, the bond and the free. The world was made various so that desultory men, studious of change and pleased with novelty, might be satisfied; but the majority of our people, of course, just as it is in your sections of the country, come easily within the range of the salt of the earth. Somebody has said that the West is made up of the progressive East. Certain it is that it is not the drone who breaks down in the East and must come to these mountains. Anyhow, we have builders and not wreckers. For the sake of variety also, to keep you from feeling homesick, we have the political agitator and the spasmodic reformer, men who, having sprinkled a pinch of salt on the tails of all the cardinal virtues, have captured them everyone (laughter), and are supinely sighing because there are no more cardinal virtues to conquer. These have their uses; they are like the fleas on David Harum's dog—they keep us from brooding. And, gentlemen, don't forget that the ladies in Colorado stand up and are counted. They used to be just simply our superiors, but now they have moved up a peg, you know, and they are our equals. During the campaign we either get them on

our side or we go over to their side horse, foot and dragoons. A politician in a recent campaign told me that the ladies in his ward would not listen to reason. I asked him if he ever heard the story of the little boy when he first saw his grandmother. The old lady came to visit the family for the first time after the boy was born, and he looked up at her and said, "So you are my grandmother, are you?" She said, "Yes, Johnny, I am your grandmother on your father's side." "Well," he says, "after you have been around here awhile you will find out you are on the wrong side." (Laughter.)

Ladies and gentlemen, we are delighted to have you here. The city and the fulness thereof are yours to do with as you like. I am commissioned by the Mayor to say that while here you will be immune from arrest, and to make sure of that, you may appoint your own chief of police. I am sorry I cannot recommend Mr. Cannon, because he believes in the third degree. Anyhow, the keepers of hotels and restaurants and other refreshment parlors have been commanded, on pain of imprisonment, to serve you nothing but the very purest whiskey. (Laughter and applause.)

President Emery: I now have the honor and the pleasure of introducing Dr. Stemen, who will represent Dr. Hugh L. Taylor, Secretary and Executive Officer of the Colorado State Board of Health. Dr. George C. Stemen is also a member of the State Board of Health. (Applause.)

Dr. Stemen: Mr. President, ladies and gentlemen: I am reminded this morning while sitting on this rostrum of a story of a newspaper man who had made his living for a number of years by writing numerous articles for the paper. He was suddenly taken very ill, and his doctor told him he could live but a short time. After the doctors had retired, and as he lay on his bed, thinking of his past life, with a great effort he turned over on his side, took up a pencil and wrote on the wall: "I have but a few more minutes to live. When I die cremate my body in the fireplace in the dining room so that my ashes may mingle with the ashes of the grate." (Laughter.)

I am further reminded of the good old parson who had been invited to preach to the inmate of a certain penitentiary, and upon arriving at that institution and finding a large audience, composed of convicts, assembled to hear him, prefaced his remarks with this congratulatory salutation: "Fellow citizens, I am glad to see so many of you here this morning." (Laughter.)

In using this story in an introductory way I do not wish to be understood as giving literal expression to its meaning in connection with this assemblage, for whatever may be the justice of applying it to this audience, there may perhaps be some nervously apprehensive individuals present who might think I was dealing in personalities that were ill-timed and out of place. I therefore desire to localize the old parson's greeting and say that I am glad to see so many of you here this morning. I am glad you are here because your presence bespeaks for you an abiding and continuing interest in the principles and perpetuity of this organization, an organization that has been in the past and will continue to be in the future a great moving force, a world power, one of the bright lights that shine through the mists and clouds and above the mountain peaks and makes it radiantly glorious with the promise of a better and happier day. I am glad you are here because if you were not I should feel



lonesome and discouraged, and doubt that I should have the courage to come at all, and I have longed to make this little speech. (Laughter.)

I have a peculiar style of oratory that requires a strong constitution and lots of patience to properly appreciate. The last time I undertook to make an address of welcome my audience was very much moved and carried away by my eloquence. Before I was half through the larger portion of the audience moved, and those whom I had paralyzed and rendered incapable of moving were carried away. (Laughter.)

My friends, as citizens of the greatest country in the world, we are apt at times to go down into a dark cellar in search of sunshine, to harness a span of blue spectacles to our nose, in front of our eyes and then be ready to swear that the world has suddenly changed color, that everything in it is dismal and blue; that there is nothing in life but trials and tribulations and failures and misfortunes, nothing but grippe in the winter, typhoid fever in the summer, hay fever in the fall and spring fever in the spring to vary the wretched monotony of life. We get the idea that our grocer and druggist are trying to place themselves on terms of equality by continually sending us, along about the first of each month, little invitations to call and see them, couched in language of the most offensive familiarity and making themselves otherwise odious by trying to force an intimate acquaintance. Your next door neighbor has a musical dog that insists upon practicing voice culture all night long, while the family just across the way has a sad affliction about eighteen years of age, arrayed in a pink shirtwaist and a measureless expanse of mouth, that insists upon barking all day long and laying violent hands upon a poor old defenseless piano that she has managed to corner up in the house and that terrorizes the entire neighborhood with its shrieks of pain and cries for help. Your wife—if you are so unfortunate as to have such a burden added to your already miserable existence—has grown sour, ill tempered and sadly forgetful of the solemn, awful vows she took as she stood at the marriage altar when she softly, sweetly murmured yes to the old, old question, that she would split the wood, curry the horse and kindle the fire, until the divorce courts got a hitch on the marriage contract, and now she will no more darn your socks, shovel the snow off the sidewalk or black your boots. Your corns hurt you; you have a miserable taste in your mouth; your liver has joined the labor union and works only about half the time; in fact your whole system is in open revolt against the legally constituted authorities. You are utterly convinced that no one cares for you, no one but the doctor and the undertaker, and the interest these fellows manifest in your welfare causes a shudder of apprehension to creep up and down your spinal column every time you meet one of them and he greets you with that joyous grin of anticipation. Now, when you get in this condition, when this diagnosis fits your case, to use a classical expression, you are "up against the real thing," and unless you shift the lever and reverse the motion there is no more hope for you than there was for some of our friends at the last election, and a life insurance policy is as good a speculation as I know of.

Now, my friends, there is but one panacea, there is but one thing that will implant in your wan and wasted cheek the bloom of health, that will put you on good terms with yourself and your neighbor, that

will make you feel that life is worth living, and that is the ability to get out and do something for suffering humanity, and if there is an organization in the United States that can do more than this organization to prevent the taking into the human system the injurious adulterations that have infested our food-stuffs for the last hundred years I do not know of it, and you have a right to feel that you have done something for the betterment of the American people.

And now, delegates, on behalf of the Colorado State Board of Health, I welcome you to the Centennial state; I welcome you to the home of the columbine; I welcome you to those thousands of snow-capped peaks of the Rocky range from which millions of little streams of water flow as pure and spotless as the tear that fell from the angel's eyes to obliterate the records of sins upon the Book of Life. I welcome you to our beautiful city, the city of commercial enterprise, and of beautiful homes, which is the admiration and the marvel of the age.

I cannot pass, my friends, without saying to you now that the great need of this country is uniformity in our state laws; that the state laws may be uniform with the federal laws, so that harmony and peace may prevail in the commercial world and among the consumers. (Applause.)

I desire to say to you that during the progress of the bill for pure food in this state my colleagues and myself have worked unceasingly that the law in the state of Colorado might be in conformity with the national pure food law; and while Colorado may not be in advance of any other state in this Union, yet we are abreast with any other state so far as the enforcement of the pure food law is concerned, and we are at peace with the manufacturer and we are at peace with the jobber and we are at peace with the retail man, and if you will go over this state to any of the manufacturing establishments, to any wholesaler, jobber or retail man and ask him what the State Board of Health has done for them, they will give you nothing but absolute praise for the pure food department; and I cannot pass without saying that the efforts of the Colorado State Board of Health, backed by His Excellency, Governor Shafroth, and by our Secretary, Dr. Hugh L. Taylor, and our Pure Food Commissioner, Wilbur F. Cannon, is today the pride of the state of Colorado. (Applause.)

Again, my friends, on behalf of the Colorado state board I want to welcome you into our state, and I cannot close this morning without reciting the last stanza of that beautiful poem written by that genius, James Barton Adams:

"As I stood with soul enraptured  
Gazing on the lovely scene,  
On the mountains clothed with grandeur,  
And the plains enrobed in green,  
And the first glad sunburst flooded  
Earth and sky with golden light,  
So entrancing in its beauty  
That it seemed to daze the sight,  
Joyous reveries went winging  
To the mystic realms above  
And I wondered if the Master  
In His world-encircling love  
Ever drew a fairer picture  
His creation to adorn  
Than the masterpiece He gives us  
On a Colorado morn."

I thank you, ladies and gentlemen, for your attention. (Applause.)



President Emery: Ladies and gentlemen, I next have the honor of introducing to you Honorable A. C. Bird, Dairy and Pure Food Commissioner of Michigan, who will, on behalf of the association, respond to these addresses of welcome. (Applause.)

Honorable A. C. Bird: Mr. President, your Excellency the Governor, your Honor the representative of the Mayor, and you, sir, who represent that great organization of Colorado, whose work in behalf of the health of this great health-loving and health-giving state has attracted favorable comment far beyond the borders of your chosen field of labor, to you each and all and to those civic and business organizations whose hospitality has been in such bounteous evidence ever since we entered your beauti-



HON. A. C. BIRD,  
Michigan Dairy and Food Commissioner.

ful city, to you all, and on behalf of every delegate to this convention, I extend our heartfelt appreciation and gratitude. Your words of welcome, so beautifully, so fittingly and so courteously expressed, inviting us to become the recipients of your great Western welcome, has warmed the cockles of every heart in this convention, and the only remaining regret to cast even a shadow over our deliberations is the inevitable one that we are not all of a part and parcel of your own great state of Colorado.

Those of us who were at the Mackinac Island convention of one year ago remember with complex feelings the peroration of a most beautiful and most seductive address by an honored citizen of this state in which the climax was arrayed in these words: "Come to Denver, gentlemen, in 1909, and I assure you that the first thought of every delegate in the morning when he awakes will be to thank God that he is alive." (Laughter.) Mr. Commissioner (addressing Mr. Cannon), you have made good your every assurance. You have kept every promise. And, to respond in your own delectable English, I will say

to you that those things which you have not provided we did not expect, and that everything might be infinitely worse.

In your generous words of welcome you have well said and well spoken the words which are in all of our hearts; you have paid the compliment to the leaders in this great work, for which we thank you, and sometimes I feel that these men who are giving of the best that is in them—and I put it in the third person, for it is a lamentable fact to me that I cannot give all my time to the work—that sometimes if, in their zeal, they overstep the bounds of business prudence, instead of rebuking them we may well call it a splendid zeal in a good cause and restrain them, if it is necessary, with the powers of reason and the powers of persuasion, rather than with the laws of force. I take it that we have come to these high altitudes for peaceful conference. Two years ago we went to the hot sizzling atmospheric conditions of Jamestown in the month of July, and that convention ended in unanimous and unchallenged disgust with ourselves and everybody else. One year ago we took the other extreme and went among the cool waters of the Great Lakes to find quiet for our troubled souls, but, alas for human calculations! on the second day in our efforts to exhaust all of our last year's supplies of Chicago cold storage fish, ptomaine poisoning seized us, and, with dispositions a little worse than those of dyspeptics, we searched the dictionaries of every nation available to discover a few new choice words, which we promptly called each other, and then adjourned, little knowing and little caring whether we were the victors or the victims so long as those ptomaines remained in our system. The one thing of which we were certain was that we had had a woeful time, both internally and externally. The most sensible thing we did in that convention was to adjourn to these high altitudes, where the most of us will have all we want to do to breathe without wasting any oxygen in scatching debate, and as I have been around these corridors and rooms during the last two days listening to the rumblings of impending battle I have sometimes thought it would be well to adjourn still on to those higher altitudes where none but the acclimated can talk at all. (Laughter.)

Gentlemen, again we thank you, and again we say to you that it is a wonder to us that you can, in talking of your splendid possessions, maintain all of your modesty of demeanor, in speaking of these grand scenes which we find in the state of Colorado, how you can retain your conservatism of expression, and your innocent, simplicity of artlessness of speech. It is a wonder to us all. Why, if we had all these things, out in the state of Michigan I would go on talking about them forever and ever and the work of the convention would never be done.

I remember at the present moment another scene in the convention of a year ago in which the Commissioner from this great state played the prominent part. Standing where there lay before him the most beautiful view of all creation, on the left that wonderful expanse of water across which the play of colors rivals even that of the ocean itself, just around a little to the right those beautiful islands, scores upon scores of them, any one of which, placed down with all of its beautiful surroundings on these western prairies, would be worth, literally, its weight in gold; still farther around those great forests of white pine which have made Michigan the envy of the world for

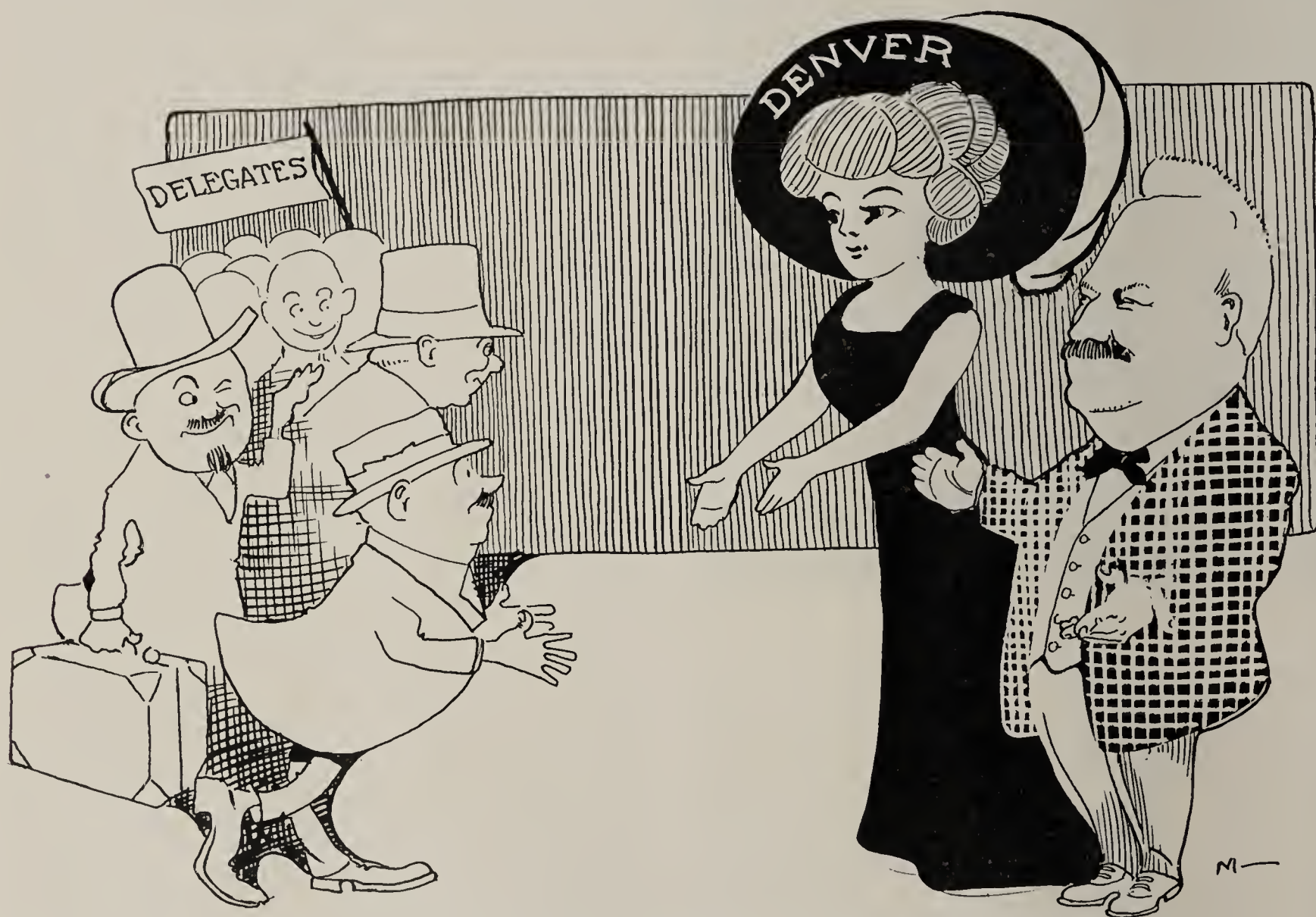


half a century; a little farther around beautiful old St. Ignace, which marks the very beginnings of the history of the new world of the West; everywhere, as far as the eye could carry, a world of beauty and a wealth of interest—with all this before him the Commissioner of Colorado, acknowledging that it was somewhat interesting, stated to us that if we would but come hither in 1909 all that would be but a drop in the bucket compared with what he would show us here. Well, we are hither; we have seen the drop in the bucket which is to be revealed to us tomorrow on the excursion, and it is all a delight to us, and were it not for the fact that this convention met one year ago in the state of Michigan I certainly would say amen to every word you have said to us. We are here, gentlemen, for work. Incidental to that work, we are here for play; but both our work and our play in turn shall be and must be only incident to your irresistible hospitality and to the splendid welcome of your warm Western hearts. (Applause.)

President Emery: Ladies and gentlemen, Commis-

immediately. Upon registering you are given, the tickets to the three excursions, and we want to say to you all that you are more than welcome to accompany us. If the guests or visitors will, at the adjournment of the convention, go down to room No. 212, the reception headquarters, they will be given these cards, and they can fill them out, and the railroad company will know how many cars to put on the train, and the management of the restaurant at Lakeside will know how many meals to provide for.

I want to say about the train tomorrow, that the convention league, in its desire to do everything that could be done, has changed the program from the Moffat road to the Loop and Mt. McClelland trip. They did not believe that any road in Colorado was quite good enough for you, and so they built one expressly for the occasion. You will go over a new road. You will go up the water level of Clear Creek, 7,000 feet high, and there you will take the new railroad to the top of Mt. McClelland, 14,070 feet high, a few hundred feet less than Pike's Peak. The train



DENVER WAS ALL THAT COMMISSIONER CANNON REPRESENTED IT TO BE.

sioner Cannon of Colorado has an announcement to make.

Honorable Wilbur F. Cannon: Mr. President, ladies and gentlemen: I want to say briefly that it will be utterly impossible for the convention league to make the proper arrangements for the excursion tomorrow or the dinner at Lakeside the following day unless they know who wants to go. The secretary of the convention league has arranged a system of cards which you can obtain at the table at the door, and those of you who have not registered should register

will leave the depot at 8:15 o'clock a. m. It is the same depot that you came in at, right at the foot of Seventeenth street. We have arranged for a special car or cars to leave the Brown Palace hotel at 5:15, arriving at the Lakeside resort at or about 6 o'clock on Thursday evening. The delegates and their families that are with them are invited as complimentary guests.

Vice President H. H. Kracke: Ladies and gentlemen, we will now listen to the annual address of the president, Honorable J. Q. Emery. (Applause.)



## PRESIDENT'S ANNUAL ADDRESS.

Association State and National Food and Dairy Departments,  
Denver, August 24, 1909.

BY J. Q. EMORY.

Dairy and Food Commissioner of Wisconsin.  
Members of the Association of State and National Food  
and Dairy Departments:

In the preparation of this address, I tried to find some comfort in a remark once made in his annual address by a former president of the Wisconsin Dairymen's Association, that opening addresses, like the robes of a judge or the surplice of the clergy are designed more for show than for service and sense and it does not so much matter of what material they are composed, so that they are of regulation cut and of orthodox length. But as often as I sought comfort in this remark, I recalled how completely it was disproved one year ago by President Ladd, who, in his exceedingly able and exhaustive address on food control problems, set a standard for the presidents of this association who succeed him. Nor have I been able to assure myself that I should succeed in making this address of regulation cut or of orthodox length.

State and national dairy and food and drug laws have been enacted, and state and national dairy and food and drug departments established and maintained at public cost for a very definite purpose. That purpose has been the protection of the consuming public against the harmful consequences of the adulteration of foods and drugs. These harmful consequences include the frauds and deceptions practiced on consumers by the manufacturers and distributors of fraudulent and deceptive foods and drugs as much as the harmful consequences of the manufacture and sale of foods and drugs that are deleterious to the public health. These laws have been enacted and these departments maintained upon the theory that great wrongs were being perpetrated upon the public, that are injuring the health and defrauding the people of this country. These wrongs of food adulterators became far reaching and deep seated.

The following from the pen of Dr. H. W. Wiley gives a glimpse of the conditions as they existed about a decade ago:

"What may a housewife expect who goes into a store where no food regulations, national, state or municipal exist? If she asks for butter, she may get oleomargarine or renovated butter; for honey, glucose or a mixture thereof; for pepper, an article adulterated by the addition of starch and ground shells; for jelly, some fruit juice usually derived from apple cores and skins rejected in drying, mixed with glucose, preserved with salicylic acid and colored with some sort of aniline dye. The peas or beans may contain, especially if they are very green, considerable quantities of that poisonous substance, sulphate of copper; the prepared meat or sausage, boric acid and usually some coloring matter to intensify the real color of the meat; the codfish may be preserved with boric acid instead of old-fashioned common salt; the sardines purporting to be of French origin may have been caught off the coast of Maine, and instead of being packed in olive oil, as one would expect, are often packed in cottonseed oil. She may get tub oysters highly dosed with borax; milk and cream containing formaldehyde; maple molasses made of glucose and melted brown sugar; olive oil that is wholly cottonseed oil or mixed with cottonseed, peanut or sesame oil; white wine almost saturated with sulphurous acid; red wine made partly of sugar and not wholly of the juice of the grape; Mocha and Java coffee from Brazil, yet bearing the false name; cream made of milk thickened with viscogen and artificially colored, and so on down the list."

The following from the late Hon. H. C. Adams confirms the view of Dr. Wiley:

"Tea has been adulterated; coffee beans, made out of rye paste creased and colored to look like the real thing; flour adulterated with white earth; candy, with the same material; common spirit vinegar, sold for cider vinegar; a riot of adulteration in all forms of spices; butter, adulterated with water, casein, lard and tallow; smoked hams, that smoke never touched and which obtained their color and flavor from a poisonous solution called 'liquid smoke'; baking powders with labels written by the prince of liars; cream, col-

ored artificially and preserved by rank poison; sausage made of stale meat unfit for human use, brightly colored by an injurious preservative; maple syrup made out of brown sugar and a beautiful label; New Orleans molasses, as nearly like the genuine as a decrepit negro would be like the Venus de Milo; milk, the special food of babies and invalids and the universal food of the people, diluted, skimmed and poisoned; veal, from calves killed within forty-eight hours after birth; cheese robbed of butter fat and filled with hog fat; canned goods, full of water and injurious preservatives; artificial eggs, accompanied by an artificial cackle; adulterated beer, adulterated whisky, adulterated wines, adulterated drugs; cottonseed oil, sold for olive oil; honey, mixed with glucose; lard, containing caustic lime, starch, stearin and cottonseed oil; peas, colored with poisonous copper—nearly everything which can be used for drink or food has been sold to the American people in recent years under the name of pure food products."

The existence of extensive harmful adulterations of food products was distinctly recognized by the New York Court of Appeals in the following language:

"It is notorious that the adulteration of food products has grown to proportions so enormous as to menace the health and safety of the people. Ingenuity keeps pace with greed and the careless and heedless consumers are exposed to increasing perils. To redress such evils is a plain duty but a difficult task."

These were no exaggerations, but on the contrary mild statements of conditions at the time. Under these conditions there were three courses of procedure open to the people of this country:

1. They could quietly acquiesce in these conditions. They could, by silence and inaction, allow an army of food adulterators to rob them of their health and of their incomes. They could close their eyes, stultify their intellects and proclaim that the American food manufacturers and distributors are the personification of honesty and integrity; that no wrongs were being perpetrated on consumers; that there was no embalmed beef; no adulterated food. General Miles was wrong. Dr. Wiley was wrong. The New York Court of Appeals was wrong. They were "hurting business."

2. Another method to be pursued was to let each consumer fight his own battle with these powerful food adulterating interests. Here is our laboring man with his family to support from his daily earnings. How much our political parties have concerned themselves that he should have a "full dinner pail." Full of what? Embalmed beef; sausage loaded with potato flour and Lake Michigan water; oleomargarine bought as butter, at the price of butter; glucose bought as and for pure sorghum or molasses; canners' wastes preserved with benzoate of soda instead of genuine fruits; bread made from a low grade of wheat flour, artificially bleached to deceive him into the belief that he is getting what he is entitled to, namely, the best grade of wheat flour; filled with never-ending frauds and deceptions, imitations of the genuine?

By this second method of procedure, if this man considers himself wronged, defrauded, why may the food adulterators in their blandest manner and with their most complacent smiles, let him take his case into court; let him employ a lawyer; let him secure at his own expense the services of a chemist to prove that the food he purchased was adulterated, was a fraud; let him go into court and there establish that he has been damaged and how much and there recover the damage; let him do all this to win his case against the strong defense we will put up with our highly paid expert lawyers to conduct our case and equally expert and highly paid chemists to give the testimony we need.

3. But there was another and a better method to deal with food adulterators and their frauds. It is the method which the people have chosen, and that is, to define food adulteration by legal enactment, provide by law and at public expense for food commissioners, food chemists, food inspectors, etc., for a vigorous and impartial enforcement of these laws for the purpose of protecting the public against the harmful consequences of food adulteration. And this method it is that is the "square deal." This is the method of fair play; and that is what the American people love and are fully determined to have. He who fails to realize that the American people will ultimately make hard the way of the transgressor against the purity and wholesome-



ness and honesty of food products, fails to discern the signs of the times.

To the officials charged with the duty of enforcing the pure food and drug laws and with leadership in the enactment of effective laws for the protection of the public, the people have committed a great trust. And their demand from us is that we faithfully fulfill that trust. To us is committed a public duty that is not to be discharged merely by the establishment of relations of good fellowship with food adulterators and their apologists and sympathizers. He has not been a close student of the methods of the food adulterating fraternity who has failed to discern that one of the methods employed by them to accomplish their purpose is by blandishment and good fellowship to put food officials to sleep.

It is pertinent to recall at this time the history of the development of food laws and food control in this country. The national government was not the leader in the enactment and enforcement of food laws. Quite the contrary, the states were the leaders. New York, Massachusetts, Pennsylvania, Ohio were the states to take the lead and were followed by other eastern states, states of the middle west, west and south. Not until 1906 did Congress rise above the influence of the food and drug and beverage adulterating interests and enact a national law. From the day of the enactment of the national law until the present time, there has been no cessation of opposition to its rational interpretation and vigorous enforcement.

Of the long, able, persistent, courageous and honest efforts of the chief of the bureau of chemistry of the United States department of agriculture to secure a vigorous, honest and impartial enforcement of the national food and drugs act of June 30, 1906, it is unnecessary for me here and now to speak. In the minds of the American people, the name of Dr. Wiley is inseparably associated with purity and honesty of food products.

In the course of events, certain manufacturers and dispensers of foods made such strenuous appeals to the authorities at Washington and brought such pressure to bear upon them to secure the appointment of a referee board upon the question of chemical preservatives in foods, including benzoate of soda, that those authorities yielded and a referee board of five was appointed. This referee board took up the investigation of the subject of benzoate of soda and after conducting experiments upon a limited number of healthy young men with what they called small doses of benzoate of soda added to foods, for two months and with what they called large doses, for one month, announced their conclusions with which the members of this organization are familiar.

A majority of your executive committee chanced to be in session at Washington at the time the newspapers announced the decision of the referee board on the subject of benzoic acid and sodium benzoate. We realized that if in the enforcement of the national food law, that decision were to be construed as holding benzoate of soda harmless and legal, it meant that a crisis had been reached. We recalled the resolution that was adopted at the Mackinac meeting of this association, to-wit:

"Resolved, That this association is convinced that all chemical preservatives are harmful in foods and that all kinds of food products are and may be prepared and distributed without them, and pledges its best efforts to use all moral and legal means at its disposal to exclude chemical preservatives from food products; and, to this end, we ask the cordial support of all national, state and municipal authorities charged with the enforcement of food and drug laws. And in this connection, we desire to express our gratitude for the helpful services of the medical profession generally, and especially to the American Medical Association."

We carefully reviewed the reasons that existed for the adoption of that resolution; and among the reasons why that resolution was adopted by this association and why chemical preservatives, including benzoate of soda, should be excluded from food products, we enumerated the following:

1. Benzoate of soda and other chemical preservatives when added to foods have been found to be harmful.
2. Physicians generally disapprove of the use of benzoate of soda as a preservative in foods and would discard such foods from their table.

3. They are unnecessary, as it has been shown beyond successful contradiction that all classes of foods can be and have been prepared and placed upon the market without the use of benzoate of soda or other similar chemical preservatives.

4. They are not foods and furnish no nourishment for the body and as drugs do admittedly modify some vital action in the body.

5. They permit the use of material unfit for food.

6. They permit and encourage unsanitary practices and careless methods in the production, preparation and marketing of foods.

7. They permit the substitution of chemical preservatives for such well established and wholesome methods of food preservation as sterilization, refrigeration, etc.

8. It is impossible in practice to restrict the use of sodium benzoate to such minimum amount as is suggested by the referee board as being small doses.

9. If that chemical is permitted to be used as a preservative of foods, then the ignorant or careless or unscrupulous soda fountain dispenser, marketman, butcher or dairyman, jelly manufacturer, etc., will be made the legal dispenser of such drugs to unsuspecting consumers, and upon the judgment or greed of such people, consumers must depend for the size of the dose of the drugs which they will daily take into the system.

10. If there be any question whatever as to the effect of such drugs on the health of the people, the doubt as to the danger should be resolved in favor of the consumers rather than in favor of the producers. Especially is this the case when it has been demonstrated that foods can be and are produced and dispensed without these preservatives.

The members of your executive committee then present were unanimous in the opinion that the battle for the elimination of chemical preservatives from foods had practically been won in many of the states when the report of the referee board was announced; that all but a small minority of those food products in which chemical preservatives had formerly been used were being furnished to consumers free from chemical preservatives. Formaldehyde had been eliminated from milk; barocic acid from meats, fish, dairy products, oysters, and so on; the soda fountains, patronized largely by children, were almost purged of salicylic acid, benzoic acid and other chemicals. Your executive committee reasoned that if the report of the referee board was to be so construed by the national authorities as to legalize the use of benzoate of soda, then logically this preservative would go back into condiments, fountain syrups, wines, beers, ciders, fruit juices, jellies, jams, cordials, fish, canned products, pie fillings, mince meats and syrups; would be introduced into milk, meats, butter, cheese, meat extracts, oysters and other foods, making easy and encouraging the use of refuse and waste material and unsanitary and unclean methods in food factories; that if the national government should endorse benzoic acid it would thus license one of the preservatives which encourages the same conditions in fruit, vegetable and other food factories as were abolished in the meat packing establishments by the national meat inspection law. In fact, they were of the opinion that the construing by the national government of the report of the referee board, that sodium benzoate when added to foods is harmless, if acquiesced in by the states, would usher in an age of chemical preservatives in foods and beverages of all kinds, worse than existed before the enactment of food laws.

In view of the resolution at the Mackinac meeting which I have quoted, and the reasons for the same, your executive committee felt it to be a duty which they owed this association and to the public to file with the president a statement of their views upon the condition of affairs created by the report of the referee board. Your executive committee further resolved to instruct the president of this association, in case our request was refused and the report of the referee board was construed by the national authorities as approving the use of benzoate of soda as a chemical preservative in foods, to appoint a large committee from among the state food chemists to review not only the experiments and the work and conclusions of the bureau of chemistry of the United States department of agriculture and of the referee board on these subjects, but the work



of state food departments as well, and to report its findings to this association at this session.

At the same time, your executive committee voted to instruct your president to invite Dr. Remsen, chairman of the referee board, to present a paper at this session of our association, discussing the report of the referee board.

The statement of your executive committee to President Roosevelt, above referred to and made in the closing days of his administration, contained the following:

"In view of the conflict of results among national authorities and in view of the tremendous interests of all the people involved in the final determination of these questions, may we not ask of you, Mr. President, the designation by you of a Committee of Five from among the State Food Chemists for the purpose of finally reviewing not only the experiments and the work of the Bureau of Chemistry and of the Referee Board on these subjects, but the work of the State Food Departments as well; this Committee to report its findings to the President and to the Department of Agriculture on the earliest possible date; this report to be received before the conclusions of the Referee Board are approved or made official by the President or the Secretary of Agriculture."

This statement and request was referred by President Roosevelt to the Honorable, the Secretary of Agriculture, who reported back to the President against granting that request.

Thereupon, the committee of eleven state food chemists was appointed by your President, and Dr. Remsen was invited to present a paper at this session, discussing the report of the referee board. Upon request of Dr. Remsen, this invitation was made to include Drs. Chittenden, Long and Herter.

Without any wish or any intent to trespass upon the prerogatives of either of these committees, I desire to make a few remarks on the report of the referee board relative to benzoic acid and sodium benzoate and the construction put upon that report by the three secretaries in F. I. D. No. 104. I lay no claim to being an expert chemist, pharmacologist or physician, but I do claim to have a knowledge of the principles of inductive reasoning and of scientific investigation.

The three secretaries (Cortelyou, Wilson and Straus), the officials at the time charged with making regulations for the enforcement of the national food and drugs act of June 30, 1906, in F. I. D. No. 104, made the following assumption with reference to the report of the referee board, "it having been determined that benzoate of soda mixed with food is not deleterious or poisonous and is not injurious to health." That assumption is unwarranted by the reported conclusions of the referee board in relation to benzoic acid and sodium benzoate. That referee board, according to its published reports, did not make that broad generalization or assumption.

The following is one of the questions, submitted to the referee board for its determination: "Does a food to which there has been added benzoic acid, or any of its salts, contain any added poisonous or other added deleterious ingredient which *may* render the said food injurious to health? (a) In large quantities? (b) In small quantities?" The answer of the referee board to this question, "(a) In large quantities?" was as follows: "Sodium benzoate in large doses (up to 4 grams per day) mixed with the food has not been found to exert any deleterious effect on the general health, nor to act as a poison in the general acceptance of the term. In some directions there were slight modifications in certain physiological processes, the exact significance of which modifications is not known."

It is beyond my comprehension how any candid, intelligent person can claim that this second item in the answer of the referee board to the question submitted to it, warrants the broad assumption of the three secretaries to which I have referred. The referee board distinctly admits that feeding for one month a limited number of healthy young men, under proper sanitary regulations, food to which large doses (up to 4 grams per day) of benzoate of soda has been added, resulted in modifications in certain physiological processes, the exact significance of which they did not understand. Does that warrant the three secretaries in their broad assumption? Most certainly not.

Again, the referee board said in this second answer, re-

lating to healthy young men to whom food to which benzoate of soda had been added in large doses had been administered for only one month, that said food "has not been found to exert any deleterious effect on the general health, nor to act as a poison in the general acceptance of the term." Does that statement warrant the three secretaries in making the assumption which they did? Most certainly not. The referee board in that second answer did not make the determination attributed to them by the three secretaries. To say that they had not in that brief experiment on healthy young men for one month found the food to which benzoate of soda had been added to be deleterious, etc., is not by any means the broad generalization that benzoate of soda added to foods in large doses, administered to people of all ages and physical conditions, all classes, for any length of time, is harmless. But this conclusion is what the three secretaries have attributed to the referee board. That assumption is unwarranted and false.

The answer of the referee board as reported in F. I. D. No. 104 to the question, "Does a food to which there has been added benzoic acid, or any of its salts, contain any added poisonous or other added deleterious ingredient which *may* render the said food injurious to health? (b) In small quantities?" is as follows: "Sodium benzoate in small doses (under 0.5 gram per day) mixed with the food is without deleterious or poisonous action, and is not injurious to health."

I say that this conclusion by the referee board was not warranted by the published data of the experiments. That conclusion from the data published is illogical and unscientific. Those experiments upon which that conclusion was based were conducted upon healthy young men only for a period of only two months. The most that board was warranted in concluding in accordance with the well-established rules of inductive reasoning is that sodium benzoate in doses under 0.5 gram per day, mixed with food, is without deleterious or poisonous action and is not deleterious to health when administered to strong, healthy young men under the conditions that prevailed in their experiments for a period of two months. Their reports do not show data for a broader generalization.

The process of reasoning that would broaden the conclusion of the referee board beyond these limits, and reach broad general conclusions from their limited and negative data, reminds one forcibly of the reasoning reported of a Pennsylvania justice. A man was brought before him charged with the stealing of a pig. A witness appeared who testified positively that he saw the defendant steal the pig. Five other witnesses were sworn by the defendant, who testified that they had known the defendant for several years and that during all that time no one of them had ever seen him steal a pig. The justice decided, so the report goes, that the preponderance of testimony was with the five witnesses.

This association at its last annual session pledged itself as follows:

"This association further pledges its every effort to formulate within the coming year a food bill founded upon the determinations of the joint standards committee, which food bill shall be formulated with a view toward uniform requirements throughout the several states; and it also pledges its best services toward securing effective co-operation between the food departments of the several states in their efforts toward the securing of such uniformity."

It also adopted the following resolution:

"Resolved, That this association hereby authorizes and directs the present president of the association to appoint a committee of seven, of which he shall be the chairman, to prepare a model state food bill, the determinations of the joint standards committee to be used as a basis of facts in the preparation of such bill."

The committee called for by that resolution was duly appointed and its report is expected at this meeting. A paper by Dr. E. F. Ladd on that subject has a place upon our program.

The following paragraph is taken from a communication which I received in June of this year from the general counsel of the National Wholesale Grocers' Association of the United States:

"There seems to have been a misunderstanding as to the position of the national association in connection with stand-



ards. We are not opposed to standards as such, but we believe that the incorporation of standards for food products into state statutes will bring about a state of chaos and confusion, if all the states undertake to do this. Our solution of the problem is that the states should grant to their respective commissioners the power to establish standards for food products."

The general counsel of the National Wholesale Grocers' Association of the United States may have this childlike belief that clothing each state dairy and food commissioner with authority to fix standards for food products, if indeed such a procedure were constitutional, would do away with chaos and confusion and bring about the much talked of and much desired uniformity; but if he does have that childlike faith in the means proposed, he certainly is lacking in some of the attributes usually attributed to the legal counsel of great financial organizations. I can readily understand how at the present time, if this association should by such a suggestion be diverted from its purpose of a year ago, of directing its efforts to secure a model state food law into which shall be written the standards for food products as determined by the joint committee on standards, and change to the policy of having each state food commissioner clothed with authority to fix standards, that general chaos and confusion would prevail. I can see how the food adulterating interests and the cuckoo food journals could raise the clamor against "one man power," as they did in the case of Dr. Wiley; how those interests could bring political and other pressure to bear upon the food commissioner against the faithful, independent and energetic performance of duty which such a law would impose. I can see how such consequences could be brought about by such a course of procedure; but I fail to see how the establishment of food standards by the law making power of the respective states, by writing into these laws the definitions and standards for food products as recommended by the joint committee on standards, would bring about a state of chaos and confusion. Rather, it would bring about a state of stability and uniformity that nothing else possibly can.

A careful consideration of this subject, as presented to you by Dr. Ladd, is urged upon this association. I cannot forbear, however, making an added contribution to this subject. In an address delivered before this association at its St. Paul meeting in 1903, before Congress had enacted the national food law, speaking upon the subject of a national pure food law, the late Hon. H. C. Adams, who for seven and one-half years was the dairy and food commissioner of Wisconsin, and who during that period was a member of this association, and who at the time that address was made was a member-elect of the House of Representatives of the United States, made the following statements: "We want a national pure food law into which shall be clearly and explicitly written a standard for every form, combination and mixture of food now known, that shall be the plain law of the land. \* \* \* A national pure food law should have written into its letter such a specific standard for every food product known as will satisfy the best judgment of this association. \* \* \* Instead of delegating to this body and to that body, year after year, this matter of food standards, and having interminable discussions and interminable conventions, why not do the best we can with the knowledge we have and give notice to the trade in the letter of the law of what is required of it?"

Upon the floor of the United States Senate, while the national food law was pending, the Hon. John C. Spooner, then U. S. Senator from Wisconsin, made the following statements: "I am persuaded that the lack of standard provided by law, in connection with the offenses denounced in bill and punished by the provisions of the bill, is very dangerous to it. \* \* \* No lawyer will challenge the proposition for a moment that there is an utter lack of standard, \* \* \* that there is no standard except as to drugs. Whether an article is adulterated or not is a question of fact to be determined by a jury. All through the bill there are questions of fact to be determined by a jury. There is no standard rendering definite the offense. There is nothing putting a man on notice in advance of a standard to which he must live and toward which and in obedience to which he must shape his business." Senator Spooner then called attention to specific opinions of the Supreme Court of the United States where uncertainty as to standards was held to be a fatal defect of law.

The writing of specific definitions and standards of food products into the food laws removes uncertainty as to what

constitutes an offense under the law and is a "square deal" alike to consumer, retailer, jobber and producer. It also removes some of the conditions which former President Roosevelt in his message to the sixtieth Congress, second session, so forcefully described as "the danger to American democracy" in the following language:

"The danger to American democracy lies in having the administrative power insufficiently concentrated, so that no one can be held responsible to the people for its use. Concentrated power is palpable, visible, responsible, easily reached, quickly held to account. Power scattered through many administrators, many legislators, many men who work behind and through legislators and administrators, is impalpable, is unseen, is irresponsible, cannot be reached, cannot be held to account."

I have called attention to the fact that the states have been the leaders in this country in the movement to protect the consuming public against adulteration, fraud and deceit in food products, by the enactment and enforcement of state food laws. Throughout this pure food campaign by the states, the paramount issue has been adequate protection and a "square deal" to consumers. They have persistently refused to adopt any shibboleth that would decoy them away from this one issue.

The splendid achievements of the states in securing purity and honesty of food products were so clearly and forcefully set forth by President Ladd in his annual address one year ago, that I here quote his statement. Contrasting the conditions a little less than a decade ago with what they were at the time of his address, he said:

"Jellies and jams were largely adulterated and misbranded, made from apple stock and waste fruit products, often containing starch paste and mucilage, colored with aniline dyes, preserved with salicylic acid, sweetened with glucose and saccharin and the whole falsely labeled. Our canned corn, almost without exception, was bleached with sulphites, preserved, and sweetened with the coal tar product—saccharin. Our peas and string beans frequently contained copper and alum salts and often contained chemical preservatives. Our meats were embalmed with chemicals, and some of the canned products contained little besides gristle, connective tissue and waste matters, seasoned and flavored, but sold as potted ham, chicken, etc. Our sorghum syrup came largely from glucose factories, while the maple syrup was almost wholly an imitation product, worth fifty cents a gallon and retailed for \$1.50. Our strained honey was largely flavored syrups and glucose. Our candies were made from glucose, containing sulfites, to which further sulfites were added, colored with coal tar colors, many of which were known to be harmful, and flavored with chemicals or synthetic flavors. Our whiskies, brandies and wines, most generally sold even in the drug stores, the good Lord only knows what they did contain, but our chemists have shown that they seldom contained real whisky. Our cider vinegars were unknown to the apple family. Our spices were but a semblance of the real thing, made as they were, from corn meal, cocoanut shells, olive stones and other waste products. Not a few of our drugs, drug preparations, extracts, etc., contained wood alcohol known to be a deadly poison. Cereals and chicory were the basis of much ground coffee. Lemon and vanilla extracts were largely imitation products and put up with wood alcohol. Many of the preparations dispensed at the drug stores varied from 25 to 150 per cent of the U. S. P. strength; and fully 75 per cent of the patent medicines were fakes, pure and simple.

"But why dwell upon this longer than to show what has been accomplished through the enactment of state laws and their enforcement. Today the conditions are largely changed. Pure foods, pure drugs of proper strength and truthful labeling are in a large measure being realized."

That this summary of achievements, thus quoted, is true, is a matter of common knowledge.

But this is by no means the full record of the achievements of the states in food law matters. The states have secured decisions from that great legal tribunal, the Supreme Court of the United States, settling the question of the prerogatives and duties of the states in food law matters. In *Plumley vs. Mass.* 155 U. S., the Supreme Court makes the following clear and ringing statement:

"If there be any subject over which it would seem that the states ought to have plenary control, and the power to legislate in respect to which it ought not to be supposed



was intended to be surrendered to the general government, it is the protection of the people against fraud and deception in the sale of food products."

This statement of the Supreme Court of the United States is respectfully commended to that small group of our people who urge that the states should surrender all that has been gained through the administration of state laws for the past one or two decades. Until the constitution of the United States as thus interpreted by this decision of the United States Supreme Court is changed, the states are not likely to surrender those prerogatives, nor disregard those duties.

That same court, in the same case, also held that it is within the power of a state to exclude from its markets any food product so prepared as to cause it to look like another article of food in general use and thereby mislead the public into buying what it would not otherwise purchase; and that the states, exercising their police power, have the right to determine that a food product shall not be sold under a name or under conditions which mislead the public. The states, in their contest for purity and honesty of food products, have obtained from the Supreme Court of the United States the decisions that "The constitution of the United States does not secure to anyone the privilege of defrauding the public," and in *Sherlock vs. Aling*, 93 U. S. 99-103, "In conferring upon Congress the regulation of commerce, it was never intended to cut the states off from legislating on all subjects relating to the health, life and safety of their citizens."

In the case *Heath and Milligan Company vs. Worst*, generally known as the North Dakota Paint Case, the United States Supreme Court has made it very clear in a decision secured by the North Dakota state food commission, that it is within the power of the state to prevent the adulteration of articles and that the establishing of standards for various articles by the legislatures of the respective states is a constitutional prerogative and a legitimate exercise of the police powers of the states, and that the United States Supreme Court will not interfere with the exercise of those prerogatives by the state legislatures.

Of the splendid achievements of the states in securing numerous State Supreme Court decisions directing, regulating and greatly strengthening state food laws and their administration, I cannot here speak.

The states must not be halted in such splendid achievements, either by those who have been *particeps criminis* in the manufacture and sale of fraudulent and deceitful articles of food, or by the national government which in the matter of food laws has not, in the three years of its administration, reached the efficiency of the more progressive states of longer experience in the work. However, critics of the administration of the national law should not forget that that law was enacted only three years ago; and it may well be doubted whether any state law of such wide scope was ever made more effective during the first three years of its life. They who do not advance, recede. As states we cannot stand still in food law enactment and administration. We must advance or we shall recede. We are here to take counsel as to the future. Remembering that the rights of the consumers have not yet been fully and permanently secured, let us firmly resolve that any step we here take shall be *forward*, and not *backward*.

As used in this address, the relation of the terms food adulterators and food adulterating interests to the terms food manufacturers, food distributors and food dealers is not that of synonyms. They are used rather in the relation of a part to the whole. There is a large portion of food manufacturers and dealers who not only are not to be put into the food adulterating class, but are openly and actively as strongly opposed to food adulterations and frauds as this association or any of its members. Their practices are a standing demonstration that food adulteration in any of its many forms is unnecessary.

The former class comprises those who on the streets and in the market places openly proclaim their belief in the principles of food laws, but with bland artfulness do all they can to prevent any effective application of those principles.

The latter class includes those who not only proclaim their belief in the principles of food laws, but also support the application of those principles in the enactment and enforce-

ment of food laws that furnish adequate protection to consumers and honest manufacturers and dealers.

The former class includes those who not only "have not kept the word of promise to the ear, but have also broken it to the hope;" those who have appropriated to themselves the word "reputable" and rolled it as a sweet morsel in their mouths, yet have manufactured or sold, as and for the genuine, food products that were rank adulterations; for example, have sold as lemon extract, a product that was manufactured from oil of lemon grass, then when put under pressure of law have stamped on it in small, indistinct, blurred letters made with rubber type, the word "Imitation"; have sold as butter, a slaughter house product made of beef tallow, hogs' fat and cottonseed oil; have sold as syrup, table syrup, fancy table syrup, honey drips, pure sorghum, pure molasses, etc., a product made by treating starch with a mineral acid and then flavoring and coloring it with sugar-house molasses, in semblance of true syrup; have sold as jelly or jam a product made from the waste of canning factories, glucose, artificial coloring and benzoate of soda; as port wine, a product containing no wine; as "whisky," a product made from alcohol diluted with water, artificially colored and flavored to imitate the genuine, and so on in an almost interminable list well known to food commissioners and food chemists.

The latter class includes those who are not only "reputable," but are also honest; those who "keep the word of promise both to the ear and to the hope"; those who manufacture or sell genuine, unadulterated, honest foods and whose labels tell the truth. They are recognized as among the most potent forces in advancing the cause of pure and honest foods. Their number is large; may it continue to grow larger.

The question of what shall be the purpose and spirit of the work of this association is of the highest importance. If its purpose is to aid in securing the enactment and enforcement of food laws, state and national, that shall secure the greatest protection to the public against the harmful consequences of food adulteration with as little burden to producers and distributors as is consistent with that result, the purpose is most worthy and the service greatly needed. This purpose is paramount to any question as to who shall be the recipients of any honors at the hands of the association. If this purpose is uppermost in the minds of the membership of this association, then they who can with greatest ability, tact, skill, courage and devotion advance those objects will be the recipients of honors and will thus become at the same time the bearers of the burdens and responsibilities of the association.

For myself, I wish to say that having received the honor of an election by this association as its president, and having borne the responsibilities of that office for a year, I shall, when the time for adjournment *sin die* arrives, yield it with unalterable unwillingness to continue it longer; and having for the three previous years served as a member of the executive committee, I feel that I have earned the right to claim immunity from further service in that capacity.

In the performance of the duties as presiding officer at this, the thirteenth annual meeting of this association, my highest purpose shall be to perform its duties faithfully and to the best of my ability in carrying out the program and the wishes of the association. In this, I need and ask your sincere and cordial co-operation. (Applause.)

Commissioner Wright: Mr. Chairman, I move that at this time the convention invite the Secretary of Agriculture, the chief food official of the United States, to address us. (Great applause.)

Commissioner Jones: Mr. Chairman and Gentlemen of the Convention:

It is with great pleasure that I rise, as a member of this association, from the state of Illinois, the great state I have the honor of representing, to second the motion of the gentleman from the great state of Iowa and say a few words upon the question, as has been well and truly said by the governor of this great and imperial state of Colorado in his welcome address to this convention, welcoming the convention to the beau-





DON J. QUIXOTE EMERY AND DR. SANCHO PANZA FISCHER AGAIN VALOROUSLY ASSAIL THE GIANTS.



A GROUP OF DELEGATES, THEIR FRIENDS AND LADIES.



THE ILLINOIS DELEGATION.



tiful state of Colorado to hold this thirteenth annual meeting.

The governor states in his welcome address to this convention, in regard to Secretary Wilson of the department of agriculture, that he has known Secretary Wilson personally and as a member of congress during his administration, observed the course of Secretary Wilson in the administration of his office, and the great ability shown in the management of same, and how the agricultural and food industries of this country had grown, developed, been purified and made wholesome since Secretary Wilson had taken charge of the department of agriculture, and the wealth and prosperity of the agricultural and food industries had increased under his administration—in paying this high tribute to Secretary Wilson, the governor of this great state has stated what the governor of every state in the union can truly state that Secretary Wilson has looked after, preserved and protected the agricultural and food industries of this great nation of ours in every state of the union; in the administration of this great office he has known no north—no south—no east and no west, but has treated every section of our country with equality and justice and today, I care not where you go, whether in the manufacturing districts of New England; in the rice, cotton and sugar districts of the south; in the fruit and stock raising districts of the west, or in the wheat and dairy fields of the north, or in the corn, wheat, grazing and dairy lands of the Mississippi valley, the same feeling and sentiment exists for our beloved secretary that exists here in the arid lands of the west, where, by irrigation, the lands of this part of the west have advanced from a nominal price of one to five dollars an acre to from three to fifteen hundred dollars an acre, and where more wealth is being added, owing to the great change on account of irrigation under the administration of Secretary Wilson in the wealth of this western country on account of the beet sugar, alfalfa and cereals than from all the gold, silver and copper mines taken from these mountains.

We are proud of Secretary Wilson and love him, not only for his honesty and integrity, his fairness to all interests and industries—but for the great things he has done and accomplished during the eleven years of his administration of his great office.

Mr. Chairman: I am pleased to second the motion for another reason. This association was organized for the purpose of—and the chief object of—obtaining a national food law, and under the law—a national food department—with authority and right to make rulings and standards for the preparation, manufacture and sale of all the various food products coming under the interstate commerce laws—so that after this national food law was written upon the statute books of the nation, and rulings and standards made thereunder the different states of the union might have laws passed, modeled after same, and rulings and standards made in harmony therewith in order that manufacturers of the various states of the union might not be compelled to keep a set of labels and standards for every state in the union, but that one set of labels and standards might answer for all.

Mr. Chairman, in other words, the National Association of State Dairy and Food Departments was organized chiefly for the purpose of securing a national food law, so that the various states of the union might frame their laws, modeled after the national law, and

also make rulings and fix standards for the various food products, so that the commissioners of the different states could make similar rulings and standards—and thus obtain uniformity of action and thereby the work of co-operation could be carried on between the national and state food officials.

We have now secured a national food law. It took seven long years of hard work, with the various committees of the house and senate in congress to secure the law. We now have a splendid national food law, and already twenty-five states have re-written their laws, and modeled them along the line of the national food law, and have made rulings and standards in conformity with those of the national food authorities.

Co-operation has been secured between the national and state food authorities in these states, and many of the other states are arranging to have their laws modeled after the national food law and make rulings and standards in conformity therewith.

Mr. Chairman: Already the manufacturers and packers of foods understand the national food law and the rulings and standards made thereunder, as well as the new food laws made by these various states and modeled after the national law.

Now, the manufacturers and packers of foods are only required to keep one set of labels for these various states, and when they have done this they know that their labels will conform with those required by the national food law, and in this way much inconvenience had been overcome.

Mr. Chairman: In Illinois, the state that I have the honor to represent, we have an *ideal state food law*, modeled after the national food law, and we have, as we think, the most complete co-operation between national and state food officials, as well as between the manufacturers and packers of foods. Already all interests understand the national and state food law, and 85% of the trade are absolutely conforming thereto, and it would be a great mistake, in my judgment, to now change position, and for the states to cut loose and undertake to have a model state food law, independent of the national food law and the national food authorities. If this were done, the work of the past ten years would be a failure.

Mr. Chairman: My mind goes back to the work performed by such celebrated food officials as Commissioner Hamilton of Pennsylvania; Commissioner Blackburn of Ohio; Commissioner Grosvenor of Michigan; Commissioner Adams of Wisconsin; Commissioner Bailey of Oregon, and Commissioner McConnell of Minnesota, and many other noted officials, who served their states long, arduously and well, and should we now take the backward track, all the work that they accomplished, all the good they did, would be lost—and in my judgment—the results would be fearful to food industries and to food officials—it would create chaos and from this time on, no two states would agree or co-operate; there would be no co-operation between state and national food officials, and manufacturers and packers of foods would again be at the mercy of the whims of every commissioner in the union. The consumer would be equally distressed, for he would not know from the label what the real article of food was or its ingredients, for the reason that no two states would define them alike on the label.

Mr. Chairman: Let us make no mistake; let us see that the good work, that has been accomplished in the past ten years, is not lost. Let us go on along the



lines laid down by our illustrious predecessors, and the work of enforcing national and state food laws will be comparatively easy, the manufacturers and packers of food will understand what is required, the consumer will understand from the label the article of food he is purchasing, and thus the object for which this association was formed will be obtained to the fullest extent.

Mr. Chairman: In all this work of securing a national food law and rulings and standards thereunder and co-operation between state and national food officials, Secretary Wilson has taken an active part, in fact, has taken the lead and had it not been for him, and the great influence he could bring to bear upon the senators and representatives in congress in presenting to them the necessity for such a law and the benefit, not only to manufacturers and packers of food, but to consumers as well, in my judgment, this law would not today be written upon the statute books of the nation.

Mr. Chairman: In Illinois as soon as this law was passed our food officials were called together and we immediately resolved upon co-operation with the national food authorities and modeling our law after the national food law, and, accordingly, drafted our state food law along the lines of the national law and presented same to our legislature—we appeared before committees of the senate and house in behalf of the law and pointed out to them the benefits our state would receive from its passage and our legislature passed the law—thus giving to Illinois, in my judgment, *the best food law of any state of the union.*

Mr. Chairman: As stated, state after state has fallen in line with Illinois and adopted the national food law in remodeling their state food laws until now twenty-five states in the union have laws modeled after the national food law and have already made rulings and standards in harmony therewith and are co-operating with the national food officials in the enforcement of these laws—state and national. Let us not side-step. Let us not lose sight of the great consuming public, who desire to know just what the food product is that they are consuming and the ingredients that enter into same.

Mr. Chairman: Secretary Wilson has always stood for the enforcement of the national food law, and when manufacturers and packers of food have appealed from the decision of the officials appointed by him to enforce the national food law, he consulted the president of the United States, and after such consultation it was decided by the president to have a referee board of experts appointed to hear and determine their grievances.

As I understand it, Mr. Chairman, this is the highest food tribunal in the nation, and on account of the standing of the gentlemen, composing this tribunal of experts, we all bow to it, and to its decisions, and Secretary Wilson has only done what the commissioners and food officials of twenty-five states of the union have done in bowing to the decisions made by the referee board on the subject of benzoate of soda.

Mr. Chairman: I want to state that in Illinois, when the national food authorities, under Dr. Wiley, issued a bulletin stating that benzoate of soda in quantities of 1/10 of 1% was injurious to health, I consulted with the Illinois state food chemists, and after such consultation, we immediately promulgated a bulletin forbidding the use of benzoate of soda on foods manufactured and sold in Illinois—and this bulletin continued to represent the Illinois state food commis-

sion on that question until the ruling was made by the referee board and promulgated through Secretary Wilson that 1/10 of 1% of benzoate of soda was not harmful in certain food products.

Mr. Chairman: Immediately after the bulletin was promulgated by Secretary Wilson, the Illinois state food commission issued a bulletin permitting the use of benzoate of soda in quantities of 1/10 of 1% in certain articles of food where the same is stated on the label.

Mr. Chairman: I am pleased that the secretary of agriculture is with us today, and has conferred upon this association, or convention, the pleasure of his presence. I believe it is the first time that we have had the honor of having him with us and to attend our meeting, therefore, I take pleasure in seconding the nomination of Mr. Wright of Iowa in requesting this convention to invite Secretary Wilson of the department of agriculture to address this meeting.

The national food law is placed as a bureau in the department of agriculture with Secretary Wilson at its head. He is the highest food official in this great national and *we all take off our hats to him*, and honor him for what he has done for us and our cause.

We believe in him out in Illinois—the first food producing state in the union—the first in the products of the dairy.

Mr. Chairman: Illinois is centrally located in the union; Chicago is the great distributing point for all the various food products.

Here we have the great packing house industries, and since the passage of the national food law and co-operation with national food officials, the work of enforcing our state food laws has become comparatively easy.

We can now get after contraband foods that come across the border lines of the state—a thing we could not do prior to the passage of the national food law.

Mr. Chairman and gentlemen of the convention: In conclusion, I want to thank you for the honor of seconding the nomination, inviting Secretary Wilson to address the convention, and I bespeak him a kindly hearing.

Mr. Dillon: Mr. President, as a representative of the great state of Louisiana, where we grow sugar cane and cotton, I wish to say that I voice the sentiments of our people when I second the nomination of this gentlemen. The people of Louisiana regard the grand old man from Iowa as one of the best men engaged in this honorable work in which we are all interested. (Applause.)

(Question called for).

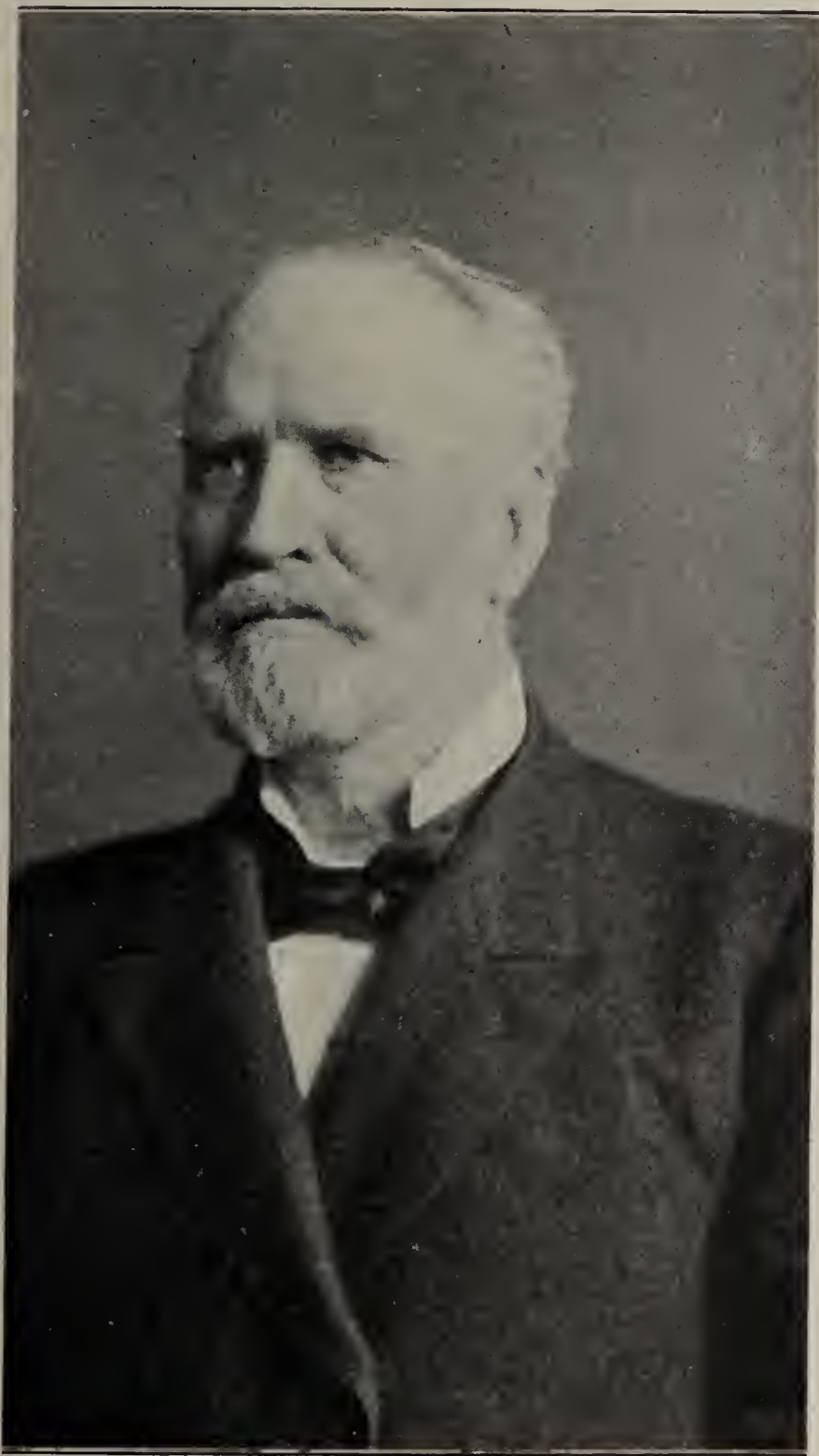
The motion was thereupon put by the Chair and unanimously carried.

President Emery: The Honorable Secretary of Agriculture is invited to address this gathering. (Great applause.)

Secretary Wilson: Ladies and gentlemen: I fully appreciate the honor of being invited to address you. I am on my annual trip to the mountain states to attend to the duties of the Department of Agriculture with regard to the work of several of our bureaus. When I got an invitation to come here I asked the people connected with the execution of the food law to give me a very brief outline of what we had been doing, and in view of the impression that seems to rest on the mind of our President, I am glad I did that, because if I had not known you would have gotten the impression that those who execute the federal pure



food law had not been doing very much business. Now, let me call your attention to what we have been doing. We have reported 475 cases to the Attorney General for criminal prosecution and recommended the seizure of 225 consignments of merchandise, aggregating in value \$750,000; fines have been imposed to the amount of \$20,000, excluding costs also assessed against defendants. Many cases recently reported are pending now in the courts. We have inspected more than 170,000 import shipments, and 25,000 samples taken therefrom have been examined and analyzed at the port laboratories. About a thousand



HON. JAMES WILSON.

shipments have been refused admission and re-exported and 3,000 shipments have been allowed to enter only after relabeling. Our effort has been to secure substantial compliance with the law with as little friction between the Government and manufacturers and dealers as possible. We have recommended the prosecution of every case based upon a substantial violation of the law; but lenience has been shown in offenses committed when the law was new and when the violation was the result of an honest mistake in interpreting the law. We have issued 100

inspection decisions, explaining the department's interpretation of the law. I have directed that no prosecutions be made for alleged violations which are the result of honest mistakes of the offender in interpreting the law. The Attorney General agrees with me in this policy and has directed the United States attorneys to dismiss cases based on offenses of this nature. We have inspected the milk supply of St. Louis, Kansas City, Cincinnati and Chicago, and as a result 125 cases have been reported to the Attorney General, based on interstate shipments of impure milk. We have also reported numerous cases of the mislabeling and misbranding of flavoring extracts, vinegar, syrup, buckwheat flour, olive oil, health food flours, mineral waters, headache cures, alleged cancer cures and various proprietary medicines. A consignment of coffee coated with lead chromate was seized and destroyed. After thorough investigations and hearings of interested parties, flour bleached with nitrogen peroxide was found to be adulterated under the law. In December, 1908, the conclusions of the department was announced, and the manufacturers and dealers were allowed six months to dispose of stocks on hand. Seizures of bleached flours have been effected since the expiration of that period, and are being made now. A public hearing was held in the department concerning the harmfulness in food products of alum. The question is now under consideration.

Now, a word with regard to the central feature of the President's address, and that is our referee board. There is not any difficulty, as a general proposition, in finding adulteration of our food products, and misbranding, and with the exception of a few the work goes on steadily; but with regard to a few of the preservatives there has been differences of opinion among the chemists of the world and difference of opinion among our own people. The manufacturers of the country went to the President of the United States and asked him for fair play. They made complaints that I will not repeat here, but they made complaints, and he finally, after deliberation, concluded that he would ask the presidents of the great universities of the country to name men competent to do that kind of work. They did, and under his instructions I appointed five gentlemen, the foremost chemists in America, and I think in the whole world. (Applause.) Now, President Emery has attacked the report of those people. I have one request to make here of him and of you. You have arranged in your order of business here on Thursday that those people, the referee board, shall have a hearing. I ask you that it be a full and fair hearing. (Great applause.) I agree with President Emery that the states have rights, and I know of nobody here who has proposed to interfere with those rights. We would like to co-operate with you people in the states. Most of you state officials bear a commission today from the Federal Government in order that you may help us, and that we may co-operate with you when you have a state case to contest in the courts. We will be glad to have this amicable relation continue. I tell you, ladies and gentlemen, this law is being executed and executed fairly and it will only be a question of a short time when the adulteration and misbranding of foods in the United States of America shall comparatively cease. (Applause.) I want to tell you some of my difficulties. I have been twelve years in connection with the Department of Agriculture. My great undertaking



has been to get strong men in there, to educate the young boy to get big enough men to act as his schoolmaster, and if we have accomplished anything we have some big men down there at Washington in all the departments. I have been a rebellious secretary with regard to the getting of a man. Whenever I want a man that is a big man I just go after him and appoint him and bring him there, if I have money enough to bring him. (Applause.) I think I have appointed the greater part of a hundred for Dr. Wiley in his chemical bureau. I have done it in all the bureaus; and I simply told the Civil Service Commission, and I told the President of the United States, I must either get the biggest men in the country that the money I can pay will bring here or the Department of Agriculture ceases to grow, and when it ceases to grow I do not want anything to do with it. (Applause.)

Now, gentlemen, carry on your deliberations here; I came to listen. It is time you are going to dinner—or luncheon—well, it is dinner out here, I believe, and I thank God we have still some of our old customs. But the referee board will be here on invitation of Mr. Emery, I believe. I see one of them now. Give them a fair hearing. They will tell you what they did and how they did it. I would like to have a lot of such men. I would like to have all those men in the Bureau of Chemistry of the Department of Agriculture, but I haven't got the money to get them there. I would like to have forty such men, then we would show you work. As a general thing, we take what we can get from the Civil Service people, but we have to be careful in our selections, and where we find a big man, coax him to come for the love of country, for the love of work, and pay no attention to the money.

I thank you again, Mr. President. (Great applause.)

President Emery: It is proper, I think, for me to make one brief response to the Honorable Secretary. The referee board, Dr. Remsen, held in highest esteem as a chemist by all the people of this country, is here, comes here, upon the invitation and the initiative of the executive committee of this association, and the insinuation that there is not to be fair play comes with poor grace. They are here because of the request made by your executive committee to the President of the United States that they be given a chance to confer and consider that report before it was made official and legal, and it was referred to the Secretary of Agriculture, and he reported back refusing to grant that request, and upon that your executive committee believed that there should be some hearing.

Secretary Wilson: When was this?

President Emery: That was in the closing days of Roosevelt's administration. If you have any question about it, Mr. Secretary, I have your letter in my pocket.

Secretary Wilson: Well, will you permit me to make just one explanation?

President Emery: Yes, certainly.

Secretary Wilson: That was just immediately after you gentlemen, away up in the Mackinac Islands, had condemned all of us down there at Washington without a hearing, and I did not think you were the kind of material to make a Supreme Court of the United States out of. (Great applause.)

President Emery: I want to make one remark in this connection, with all due respect to the Secretary of Agriculture. I think the statement is not warranted by the facts of the case. (Hisses.) He says that this association condemned all of the people down there at Washington. That session passed resolutions, which are on record, reciting an interview that the Secretary of Agriculture had with your executive committee in the presence of President Roosevelt, and every argument stated there took place in that interview.

Secretary Wilson: There was not a word of truth in the whole thing; it was all a mistake.

President Emery: I beg your pardon. Call upon the report of the secretary—

Secretary Wilson: That report has never seen the light of day.

Honorable Arthur R. Briggs: Mr. President, I move that we adjourn. (Motion seconded.)

President Emery: The question is on an adjournment. There are certain duties that should be performed here, but it is your privilege to adjourn if you choose.

A Delegate: Mr. President—

President Emery: It is not debatable. The question is for an adjournment.

(The motion was thereupon put by the Chair and carried. A recess was thereupon taken until 2:00 o'clock p. m.)

#### AFTERNOON SESSION.

AUGUST 24, 1909.

The convention was called to order by President Emery at 2:30 o'clock p. m.

President Emery: The first thing in order is the report of the Secretary.

The Secretary then submitted his report, which is as follows:

There have been meetings of the Executive Committee as follows:

At a called meeting in Cincinnati, September 21, 1908, the committee called on Judge Taft concerning matters relating to the National Pure Food Law. The delegation calling on Judge Taft was composed of Messrs. Emery, Bird and Dunlap. This committee called on Judge Taft by appointment, and he assured them that in the event of his election the pure food law would be enforced, and that there would be co-operation with the state officials. At this meeting the following other items of business were conducted by the committee:

That the Secretary correspond with Messrs. John Wiley and Sons with respect to the printing by that firm of the proceedings of the Mackinac convention.

That a bill of \$10.00 advanced by Commissioner Bird for badges for the Mackinac convention be allowed, and that the Treasurer be instructed to pay the same.

That a bill of \$34.00 advanced by H. E. Schuknecht for badges for the 1907 convention at Jamestown exposition be allowed, and that the Treasurer be instructed to pay the same.

That the account of Mrs. Mattie Loomis of Lansing, Michigan, for reporting the 1908 Mackinac convention to the amount of \$100 be allowed, and that the Treasurer be instructed to pay the same.



The next meeting was held in Washington, January 25, 1909. There were present, Messrs. Emery, Bird, Allen and Dunlap. The following items of business were transacted:

That Dr. Richard Fischer, Chairman of the Food Standard Committee, be authorized to print and distribute to members of the Association the standards adopted by the Association.

That with the approval of the hosts, Commissioners Cannon and Bishopp, the date of the meeting of the 1909 convention be set for July 29 to August 2. It was subsequently changed to August 24. There was an informal discussion at this meeting of the program. There was also an informal discussion of the report of the Referee Board on Benzoate of Soda. On the evening of the same day President Roosevelt received the Executive Committee in the Red Room of the White House. On this occasion a memorial was presented and was received by the President with much appreciation. After listening to the reading of the memorial by Commissioner Bird, the President discussed the National food work informally with the members of the committee at length and in confidence. However, there could be no objection to reporting the President's last words when he told us good bye, which were in substance as follows:

"I feel deeper than I can tell you the confidence which you men representing the State Food Commissioners have shown towards my work. When I return from my vacation I intend to take up again the reforms for which I have stood, and I assure you that your cause will always have my sympathy and support."

On February 8, 1909, at the informal request of Secretary Loeb, the Executive Committee met in Washington and presented to President Roosevelt the following statement with respect to the report of the Referee Board. (See Executive Committee minutes for statement.) At this meeting the following other items of business were transacted:

On motion of the Secretary, President Emery was instructed to make all arrangements for the program with suggestions that the order of the program be as follows:

Five-minute reports from each State concerning the food and drug work conducted by each particular State, and at the same time a session arranged for a conference among the State analysts.

A conference and discussion concerning the report of the Referee Board on Benzoate of Soda.

A conference and discussion with respect to the proposed Model Food and Sanitation Laws.

A conference and discussion with such manufacturing interests as might wish to present matters to the convention.

The President was instructed to invite the following to address the convention:

Dr. H. W. Wiley.

Miss Alice Lakey, the National Consumers' League.

Mrs. C. F. Amidon, Federation of Women's Clubs.

Dr. William J. Schieffelin, Pharmacist.

Dr. W. D. Bigelow, Federal Food and Drug Service.

Dr. Lyman F. Kebler, Federal Food and Drug Service.

Mr. William Judson, Wholesale Grocers.

Mr. W. P. Anderson, Soda Fountain Syrups.

Mr. Charles F. Loudon, Catsups.

Mr. Sebastian Mueller, Fruits and Vegetables.

A representative from the American Medical Association.

The Chairman of the Referee Board.

At a later date the President was instructed by correspondence to invite Secretary of the Treasury of the United States, the Solicitor General of the United States and Assistant Attorney General Fowler.

In 1901, nine annual conventions ago, I attended my first meeting of this Association in one of the parlors at Statler's Hotel at Buffalo, and at that convention I was elected one of the vice-presidents as a compliment to the South. During the same year I was elected Secretary of the Association because of the absence of the then Secretary, Mr. Noble, and I have been elected Secretary of the Association every year since. For several years past I have wanted to resign, but have yielded to the request of my friends against my own wishes. My work at the present time is of such a nature that I cannot with propriety and convenience conduct my work as Secretary as it should be conducted, and I now offer my resignation and state that I will not be a candidate for or accept a reelection as Secretary.

I assure you that my work as Secretary has been a very great pleasure, although at times attended with some sacrifices and unpleasantness, and I assure you that I appreciate the honor and confidence instant to holding the office during one of the most important periods of the fight for pure food. During this period I have seen the Association grow from a little beginning to a great National organization. The meeting at Statler's Hotel in 1901 was an executive session. One or two manufacturers were heard, but there was no report of their remarks, the general opinion being that the Association should not give the manufacturers any opportunity for advertising purposes. It was my impression at that time that it would be a wiser policy to give the manufacturers a hearing in the open, and an opportunity to discuss with us as equals, the various problems which concerned them as manufacturers and the commissioners as the executives of the laws. My policy was adopted at St. Paul in 1903 by an arrangement of the program with which most of the members are now familiar. The plan was more than a success, and some of the converts and supporters from the trade which this Association has today have been won from those who appeared at the St. Paul meeting to controvert our views and to demonstrate that we were in the wrong.

In 1901 there was a wide division between the friends of the National law, especially with respect to the administrative features of such a law, and further with respect as to whether or not such a law should cover all substances intended for human consumption, that is, foods, drugs and liquors. It was my pleasure to see the forces unite at the St. Paul meeting upon one measure, and I believe that this union of forces was one of the greatest influences in the final passage of the bill. During the early years of my incumbency there was some division between the Standard Committee from the Association of Official Agricultural Chemists, differences which were immaterial and unnecessary. I have been one of those who have worked with men like Fischer of Wisconsin for uniformity and co-operation among the scientific forces, and co-operation is now an established fact. And we have, finally, in that achievement, means for the determination of



questions of fact rarely if ever before equalled in the pure food or in any other line of work.

This Association stands today as the dominant force in the pure food work, an organized force in which the fundamental principles of the pure food cause can rely for support and triumph. As a rule, the State and Federal officials are driven by public opinion. This Association of officials has led public sentiment. As a rule public officials seek that smoother course of avoidance and compromising until the problem becomes a public evil, and the people, slow to action, are finally aroused in wrath. Such a course is always easier to the various interests affected in the beginning, but such a course invariably leads in the end to effects by far more drastic and damaging than frank and firm control in the beginning. I have often wondered how this Association has been able to take and maintain the stand for principle that it has in the past, and I wonder further how long it will be until the Association becomes a National mart for the trading of special privileges in favor of this or that interest scattered throughout the country which has not, as yet, put out its products free from objections under the pure food laws. Like the tariff, pure food is a local issue. There are the Pacific coast interests with the sulphur problem in their fruits; there is our Southland with the sulphur problem in its molasses; there is the dairy section with the color problem in its butter; there are the great centers like Chicago, Cincinnati, Philadelphia and New York with some manufacturers and which depend for success upon sailing their products between the Scylla and Carybdis of the pure food laws. And it is obvious that private interests and home affiliations must be laid aside and the questions before you settled upon facts.

I accept with keen pleasure a return to the floor where I can take part in the real work of the Association. I hope to be with you for many years yet, but wherever I shall go and whatever I shall do in the future, the work and the friendships of the Association of State and National Food and Dairy Departments will always have a very deep place in my heart.

President Emery: We will next listen to the report of the Treasurer.

DENVER, COLO., Aug. 24, 1909.

To the officers and members of the Association of State and National Food and Dairy Departments.

Gentlemen:

I submit the following as my report as treasurer, from Aug. 5, 1908, to Aug. 24, 1909:

#### RECEIPTS.

Through President Ladd, cheque from treasurer of Bruner's estate .....	\$ 65.00
Commissioner Burke, Wyoming.....	10.00
Commissioner Foust, Pennsylvania.....	10.00
Department of Agriculture.....	10.00
Commissioner Peterson, Utah.....	10.00
Commissioner Fields, Idaho.....	10.00
Fitz Randolph, Director of the Laboratory of Hygiene, New Jersey.....	10.00
Commissioner Dunlap, Ohio.....	10.00
Commissioner Barnard, Indiana.....	10.00
Commissioner Ladd, North Dakota.....	10.00
Commissioner Wheaton, South Dakota.....	10.00
President Board of Health, Arion, Louisiana.....	10.00
S. J. Crumbine, Board of Health, Kansas.....	10.00
Commissioner Emery, Wisconsin.....	10.00
Chas. A. Wood, Director, Maine.....	10.00
Commissioner Wright, Iowa.....	10.00
Chemist Starling, Georgia.....	10.00
Commissioner Potter, Connecticut.....	10.00
From State of Virginia.....	10.00
From State of Kentucky.....	10.00
From State of North Carolina.....	10.00

Commissioner Bird, Michigan.....	10.00
Dr. Lucius P. Brown, Tennessee.....	10.00
From State of New York.....	10.00
Bureau of Chemistry, Washington, D. C.....	10.00

Total receipts.....\$305.00

#### EXPENDITURES.

H. E. Schuknecht, Assistant Commissioner, Chicago, Ill. Badges purchased from the Whitehead & Hoag Company, Newark, N. J. Oct. 22, 1908.....	\$ 35.50
Mrs. Rudolph Loomis, Lansing, Mich., stenographic services, expenses, etc., Mackinac convention, Oct. 29, 1908.....	100.00
The Harrisburg Telegraph, Harrisburg, Pa., printing 500 blank forms of voucher. Nov. 25, 1908.....	5.50
James Byrnes, Lexington, Ky., printing 500 by-laws; 500 programs and 500 resolutions. Dec. 4, 1908....	29.00
A. C. Bird, Commissioner, Lansing, Mich., covering bill of Ralston Printing Company, Detroit, Mich. Dec. 11, 1908.....	10.00
Democrat Printing Company, Madison, Wis., printing 300 circulars of Mackinac Food Standards. July 30, 1909.....	32.00

Total expenditures.....\$212.00

Total receipts.....\$305.00

Total expenditures.....212.00

Balance .....\$ 93.00

Respectfully submitted,

JAMES FOUST,  
Treasurer.

President Emery: I wish to announce the following Committees:

Committee on Resolutions—James Foust, Pennsylvania, chairman; Prof. W. M. Allen; Dr. McCoy, President State Board of Health, Indiana; Dr. Chas. D. Woods, Maine; E. W. Magruder, Virginia.

Committee on Credentials—H. H. Kracke, New York; Dr. H. E. Barnard, Indiana.

Committee on Place of Meeting—Dr. Wm. P. Cutler, Missouri; Geo. L. Flanders, New York; R. E. Stallings, Georgia.

S. L. Mains, Nebraska: Mr. President, I would like to rise for information. I would like to know the sense of this convention as to where we beginners are to get in here. Now, I would like to have a ruling on that from the Chair.

President Emery: The Chair understands the situation in this way, as it has been the custom of this association since I have been a member, that under the by-laws of the association the Secretary has usually called the roll of states and a list of the membership has been ascertained by that roll-call.

Mr. Mains: Well, we have not had a call of states.

President Emery: We haven't had a call of states up to the present time.

Secretary Allen: Let us have one.

President Emery: I wish to make one statement to this convention at the present time. Here is a program prepared, people have been invited to come here from different parts of the country, and they have been invited to come at a specified time, and it would seem quite important that we in our proceedings carry out this program as far as possible. The question now is whether we shall call the roll of states at the present time or whether we shall go on with the program for this afternoon, for this meeting, and for the sectional meeting of the chemists.

Mr. Mains: I would like to have you call the roll of states so that we may know who has a right to vote here.



President Emery: It will be taken as the sense of the meeting, unless objection is made, that the roll of states be called, and that as the states are called the gentlemen who are entitled to represent the association should respond. The Secretary will read the by-laws on the subject.

Dr. Dillon: Mr. President, in order that this matter might be put clearly before this house, I move that the roll of the states be called and that when a state has answered that they be told what their standing in this convention is, as to whether or not they are entitled to vote or to have the floor of this house. I make that as a motion. That puts the matter clearly before the house. (Seconded.)

President Emery: The president of the association takes this view, from the constitution and by-laws, that the voting right and the membership are two different propositions. There are certain memberships that the Secretary was about to read, and then there is the voting right, and it is a thing different from the membership right.

Dr. Dillon: For a point of information, then, Mr. President. Do I understand that we have a right to membership and possibly not a right to vote?

President Emery: Every state has a right to three votes, but we have to determine the membership to know who the three are who vote, and the voting membership depends also on the payment of dues, as I understand the situation.

Mr. McCabe: Mr. Chairman, I think I thoroughly understand the constitution, but there is still another question that arises in my mind. Now, I paid \$10 to the Secretary, and the Treasurer gave me credit for that some time around the 1st of September, as I remember. Does that entitle me to vote in this convention?

President Emery: I would be glad to answer the question, and it is a question that has been asked a good many times, but I do not claim to be an authority. The association must speak for itself. It has seemed to me that the interpretation of the rule should be that the payment of dues any time after the close, say, of last year's session, up to this time or this session, should entitle one to a voting right in this session; but I don't know that that is the judgment of this meeting, it is an interpretation of this by-law.

Mr. McCabe: I understand, then, your idea of the thing is that I, having paid since the last convention, am entitled thereby to vote in this convention.

President Emery: That would be my idea, but I don't know that I have any right to rule on that.

Mr. McCabe: I move that that be the sense of this convention in regard to the right to vote.

President Emery: May I ask you to withdraw that until we get the membership and know who is entitled to vote?

Mr. McCabe: Very well; yes, sir.

President Emery: I think we ought to have a membership, so that we can vote.

Honorable Arthur R. Briggs: Mr. Chairman, I hold credentials from the Governor of the state of California to this convention. I likewise hold credentials from the State Dairy Bureau of California. I have tendered my \$10 for membership, which was declined because it was stated the membership for the state of California had already been paid by Professor Jaffa. I make this statement that you may answer my question definitely, whether I am entitled to vote

under the credentials and under the conditions I have stated.

President Emery: I will refer the gentleman for the present to the reading of the constitution, which I have asked for, by the Secretary.

Honorable Arthur R. Briggs: I don't understand.

President Emery: I will ask the Secretary to read that part of the constitution or the by-laws relating to membership, and I think that will answer the question.

Secretary Allen (reads Article 10 of the by-laws): It seems to me clearly to this effect—that there is a membership consisting of the heads of departments that have been mentioned; then there is a membership that shall be eligible to membership, viz: deputies, assistants, chemists, attaches and attorneys connected with those departments which shall be recommended by the respective head thereof, together with an appointee from any state or territory by a governor of any state or territory which has no branch of service executing its food law. That is the way I understand the reading of the by-laws. They seem clear to that effect.

A Delegate: Will you repeat that last sentence?

Secretary Allen: I say that the membership, ex-officio membership, are the heads of the departments of the respective states, that is, the respective agricultural boards or dairy and food commissioners who are charged with the enforcement of the laws. That is ex-officio. Then I would suppose that organization could pass upon the membership that came up, any assistants or others that would be recommended by the respective heads of the departments for membership in the association. (Reads Article XI of the by-laws.)

Mr. Foust: Mr. Chairman, the question seems to be when one is qualified. Now, if you will entertain a resolution I have here I believe it will cover this question. I don't think it will be covered until this or something similar is adopted.

President Emery: It seems to me, Mr. Foust, and I beg to be corrected if I am wrong, that before we should proceed with business or resolutions of any kind we ought to have a roll of membership.

Mr. Foust: Well, this is bearing on the roll of membership, and it will certainly help the Secretary. I will read it, and if it don't suit it needn't be adopted.

**"RESOLVED, THAT NO STATE SHALL HAVE ANY VOICE IN THE TRANSACTIONS OF THIS CONVENTION, NOR ANY VOTE ON QUESTIONS ARISING THEREFROM, UNLESS IT SHALL HAVE DULY PAID ITS ASSESSMENT AS LEVIED AT THE 1908 CONVENTION; AND**

**"RESOLVED, THAT THE SECRETARY SHALL MAKE UP THE ROLL OF QUALIFIED STATES ACCORDINGLY."**

Now, it seems to me that will guide us.

Mr. Jones (Illinois): Mr. Chairman, the trouble about that resolution, as I remember it, is that there are quite a number of states here now who were not members of this association and did not attend at that convention.

Mr. Foust: They can pay their \$10 and become qualified.

Mr. Jones (Illinois): Well, a state that comes in now ought not to be bound by the Mackinac convention. It ought to come in at this time.

Secretary Allen: Of course you are right on that.

Mr. Jones (Illinois): You have no right to bind



those states that were not there at that time. That is my idea of it.

President Emery: Now, gentlemen, if you will permit me, it seems to me that, as the question of business is coming before us, the one businesslike way in which we can get at it is to get a roll of members, and I do not see how we can vote on these other propositions without knowing who there are from the states that have the right to vote.

Dr. Woods: I would like to inquire, merely by way of information or suggestion, if this matter could not be expedited if we could have appointed a committee on membership, to whom should be presented the credentials of the people that are here from the various states, and that this matter be sifted to an extent at any rate without taking the full time of the convention.

President Emery: And then go on with our program this afternoon?

Dr. Woods: And I would make a motion to that effect.

A Delegate: There is a motion before the house.

Dr. Dillon: Mr. President, I beg the indulgence of the Chair for asking so many questions. The point is this: An assessment of \$10, as I understand, has been imposed upon the states who are members of this association. For what? What is the assessment imposed for?

President Emery: For the expenses of the association.

Dr. Dillon: For the expenses of the association?

President Emery: Yes.

Dr. Dillon: I beg pardon for asking definitely what expenses of the association? Not for paying railroad transportation or hotel bills or—

President Emery: No, sir.

Mr. Cannon: As I understand, for the publication of the proceedings of this meeting.

President Emery: Various transactions which will be necessary on the part of the officers in conducting the business of the association—postage stamps, letterheads and things of that kind. The constitution and by-laws do not specify anything particular as to what those expenses shall consist of.

Dr. Dillon: Is there anything in the by-laws or constitution providing for a roll-call of the states?

President Emery: Will the Secretary answer that question.

Secretary Allen: No.

Dr. Dillon: There is none.

Secretary Allen: No. There is an amendment to the constitution, adopted last year, that the dues should be \$10, and that the voting privilege should be granted on the giving of those dues, as I remember it; but it is generally supposed that any state will pay its dues, and I should think that is a matter of such indifference that it need not stand in the way.

Dr. Bryan of Illinois: Would it not solve the whole difficulty if we had the reading of that provision of the constitution?

President Emery: Unfortunately, I haven't a copy of that amendment. I thought I had it with me.

Mr. Cannon: Do I understand there is not present here in this room a copy of the proceedings of the Mackinac session?

President Emery: The Secretary will answer that question.

Secretary Allen: Those minutes were, by order of

the executive committee, turned over to Mr. Ladd to take up the question of publishing them, and being relieved of that I will have to further question Dr. Ladd.

Mr. Cannon: Mr. President, I am speaking to the question and also endeavoring to explain to our friend what these expenses are for. Amid the agonies of ptomaine poison it comes to me that an amendment was made at the Mackinac session increasing our dues from \$5 to \$10, and I distinctly remember that at that time it was stated that the proceedings of this session could not be published unless at least that amount was raised. I waited patiently for the proceedings of that session; they are not at hand, and I regret now very much to learn that, even though we paid a stenographer, according to the report of the Treasurer, \$100 for transcribing those proceedings, we haven't even a copy of them here so that we can tell the gentlemen what this whole thing is about.

Secretary Allen: I regret that the Treasurer made his report and after printing the programs, the official work ordered, we have a balance in the treasury which is not enough to print the proceedings. I presume this year you will have a larger attendance. Last year you only had so many states, \$10 a state. Now, we have only so much money, and after getting the proceedings we could not print them without the association provides the funds, and that is a serious question which this session ought to take up at its earliest convenience, and I would suggest that a committee on publications be appointed when you get into session, and let them take that matter up and settle it. I regret as much as you, Mr. Cannon, that that is the case, but it is.

President Emery: Now, gentlemen, I wish to make this point, that I do not think we ought to waste this afternoon and accomplish nothing. There is a committee on finance; it has certain duties prescribed by the by-laws. That committee has been appointed. The adjournment this morning came before this committee had been appointed, according to the requirements at the first session, but it was appointed immediately after the time reached on the program. That committee is appointed for the purpose of reporting upon these finances, and I think this discussion might well be referred to that committee.

Mr. Mains: Mr. President, carrying out your ruling as to the commissioner's right—

President Emery: I beg pardon, but the Chair did not undertake to make a ruling.

Mr. Mains: That is all right. That is a very satisfactory ruling to me, but I was going to have it carried on and wondered whether or no the new members had a right to vote before they paid in their \$10, or as quick as they paid it in did they have a right to vote, or do they have to wait for another year before they have a right to vote? (Laughter.)

Dr. Cutler: Mr. President, as I understand the question is upon the resolution of Commissioner Foust, is it not?

President Emery: The motion is as follows:

**"RESOLVED, THAT NO STATE SHALL HAVE ANY VOICE IN THE TRANSACTIONS OF THIS CONVENTION, NOR ANY VOTE ON QUESTIONS ARISING THEREFROM, UNLESS IT SHALL HAVE DULY PAID ITS ASSESSMENT AS LEVIED AT THE 1908 CONVENTION; AND**

**"RESOLVED, THAT THE SECRETARY SHALL MAKE UP THE ROLL OF QUALIFIED STATES ACCORDINGLY."**



Mr. Cutler: Is that the resolution offered by Mr. Foust?

President Emery: That is the resolution offered by Mr. Foust.

Mr. Mains: Mr. President, there was a motion made by the gentleman from Louisiana, that the roll of states be called, and it was seconded, and that is the motion that is before the house, and there is no resolution that can be—

Dr. Cutler: Will the Chair state the motion?

President Emery: The motion is that we proceed to a call of the states to ascertain who are entitled to membership in this convention.

Dr. Cutler: Have we voted on that question?

President Emery: We have not.

(The motion last mentioned was thereupon put by the chair and carried, with two or three dissenting votes.)

Secretary Allen then proceeded with the roll-call as follows:

#### CALIFORNIA.

Mr. Cannon: Mr. President, I rise to a point of order. We are calling a roll of states and not of the delegates entitled to be present.

President Emery: The roll of states is called for, to let the delegates respond.

Mr. Cannon: I don't so understand it. I think the roll-call was called for to see whether this \$10 has been paid in for something we haven't got. We want to find out what we are entitled to here.

President Emery: I think the gentleman is out of order on that.

Mr. Jones (Illinois): I think the principal thing, the way we do over in our country in conventions, is to call this roll of states and let the states respond with the names of the three representatives who will represent the states.

Secretary Allen then proceeded with the roll-call, as follows:

#### CALIFORNIA.

M. E. Jaffa, M. S., Director State Food and Drug Laboratory State Board of Health.

Arthur R. Briggs, Representing the State Dairy Bureau.

#### COLORADO.

H. P. Diamond.

Dr. Woods: Mr. President, in order to clarify this matter before we proceed any further, I would like to inquire whether these gentlemen that have just been named are members ex-officio or are they entitled to membership. Are they ex-officio and therefore members of this association without vote?

Professor Jaffa: Mr. President, neither Mr. Briggs nor Mr. Diamond are members of any pure food or like association, but Mr. Briggs has credentials from the State Dairy Bureau, which, of course, makes him a member of this association. Mr. Diamond has not; he is just a delegate appointed by the governor.

Secretary Allen then proceeded with the roll-call as follows:

Wilbur F. Cannon, Commissioner Food and Drugs.

Hugh L. Taylor, M. D., Secretary and Executive Officer.

E. B. Coulter, Chief Inspector.

E. A. Ault, Inspector.

S. S. Bellesfield, Inspector.

Fred Long, Inspector.

F. W. Lee, Inspector.

Fletcher Trunk, Inspector.

E. C. Hill, M. D., Chemist.

Robert Cochrane, Dairy Commissioner.

W. W. Yard, Deputy Dairy Commissioner.

#### CONNECTICUT.

Hubert F. Potter, Dairy Commissioner.

Tyler Cruttenden, Deputy Commissioner.

John Phillips, Street Chemist.

President Emery: I suggest that in addition to giving these names each commissioner or head of a department should write the names on a slip of paper and later hand them to the secretary.

The secretary continuing:

#### DELAWARE.

No response.

#### DISTRICT OF COLUMBIA.

William C. Woodward, Chief Health Officer.

#### FLORIDA.

R. E. Rose, Chemist.

#### GEORGIA.

T. G. Hudson, Commissioner of Agriculture.

R. E. Stallings, State Chemist.

P. A. Methvin, State Food Inspector.

#### IDAHO.

James H. Wallis, State Dairy Food and Sanitary Commissioner.

#### ILLINOIS.

Alfred H. Jones, State Food Commissioner.

John B. Newman, Asst. State Food Commissioner.

Dr. T. J. Bryan, State Analyst.

#### INDIANA.

Dr. Geo. E. McCoy, Prest. State Board of Health.

Dr. H. E. Barnard, Food and Drug Commissioner.

#### IOWA.

H. R. Wright, State Dairy and Food Commissioner.

Mr. B. C. Illif, Asst. Dairy and Food Commissioner.

J. R. Chittick, Chemist.

#### KANSAS.

S. J. Crumbine, M. D., Secy. State Board of Health and Chief Food and Drug Inspector.

E. H. S. Bailey, Ph. D., Chemist State Board of Health.

Julius T. Willard, Chemist State Board of Health.

#### LOUISIANA.

Dr. D. Harvey Dillon, Prest. State Board of Health.

Dr. H. P. Jones, Chemist State Board of Health.

#### MAINE.

Charles D. Woods, Director Agricultural Experiment Station.

J. M. Bartlett, Chemist in Charge of Food Analysis.

#### MARYLAND.

No response.

#### MASSACHUSETTS.

Herman C. Lythgoe, S. B., Chemist State Board of Health.

#### MICHIGAN.

A. C. Bird, State Dairy and Food Commissioner.

Floyd W. Robinson, State Analyst.

#### MINNESOTA.

Andrew French, State Dairy and Food Commissioner.

Julius Hortvet, State Chemist.

#### MISSOURI.

William P. Cutler, M. D., Food and Drug Commissioner.

Dr. P. F. Trowbridge, Chemist Food and Drug Commission.

F. L. Austin, Secretary Food and Drug Commission.

#### MONTANA.

No response.



## NEBRASKA.

S. L. Mains, Deputy Food Commissioner in Charge of Department.

E. L. Redfern, State Chemist.

## NEVADA.

Sanford C. Dinsmore, B. S., Chemist in Charge of Food Control.

## NEW HAMPSHIRE.

No response.

## NEW JERSEY.

R. B. Fitz-Randolph, Dir. State Laboratory of Hygiene in Charge of Foods and Drugs.

## NEW YORK.

George L. Flanders, Asst. Commissioner of Agriculture and Counsel.

Henry H. Kracke, Asst. Commissioner of Agriculture.

## NORTH CAROLINA.

W. M. Allen, Food Chemist Human Food Control.

## NORTH DAKOTA.

J. H. Worst, Director North Dakota Agricultural Experiment Station.

E. F. Ladd, Food Commissioner and Chemist.

## OHIO.

Renick W. Dunlap, Dairy and Food Commissioner.

Charles L. Thurber, Stenographer Dairy and Food Commission.

## OKLAHOMA.

Prof. Edwin DeBarr, State Chemist.

## OREGON.

No response.

## PENNSYLVANIA.

James Foust, Dairy and Food Commissioner.

Dr. Wm. Frear, Chemist State College, Pa.

Dr. F. T. Aschman, Pittsburg.

Prof. James W. Kellogg, Harrisburg, Pa.

## RHODE ISLAND.

No response.

## SOUTH CAROLINA.

No response.

## SOUTH DAKOTA.

Prof. Alfred N. Cook, Food and Drug Commissioner and State Chemist.

## TENNESSEE.

Lucius P. Brown, Pure Food and Drug Inspector and Director of Laboratory.

## TEXAS.

J. S. Abbott, Dairy and Food Commissioner.

Mr. McCabe: Mr. President, I rise for information.

President Emery: State the question.

Mr. McCabe: The constitution provides that the chief of the Bureau of Chemistry and the chiefs of the food division of the Bureau of Chemistry and the chiefs of the Bureau of Animal Industry and the chiefs of the dairy division of the Bureau of Animal Industry shall be ex-officio members of this association, and among those entitled to membership are named other employes of the department and the head of the department. The question I wish information about is this, whether the Department of Agriculture, which is a unit, as such is entitled to three votes, or whether the Bureau of Chemistry is entitled to three votes, the Bureau of Animal Industry to three votes, and the rest of the department represented here to three votes.

President Emery: It has been the practice in the past that the Department of Agriculture is entitled to three votes.

Mr. McCabe: Then I suggest that instead of calling the roll as the Bureau of Chemistry you say Department of Agriculture.

President Emery: My judgment is that the Secretary of Agriculture will just be considered as the head of the department of the Bureau of Chemistry or the Bureau of Animal Industry, as he is the head of the department.

Mr. McCabe: I beg the president's pardon; perhaps I did not understand you. My understanding was that the whole department, including the two bureaus, is entitled to three votes.

President Emery: Yes.

Mr. McCabe: Then it will be called as the Department of Agriculture, will it not?

President Emery: Now, we will have to go according to these by-laws. It says these parties; but my recollection is that in the past the vote of the Department of Agriculture has been conceded to be three votes.

Mr. McCabe: I think that will be satisfactory.

The secretary then continued the call of the roll as follows:

## DEPARTMENT OF AGRICULTURE.

James Wilson, Secretary, Washington.

Geo. P. McCabe, Solicitor of the Department, Washington.

A. D. Melvin, Chief Bureau of Animal Industry, Washington.

H. W. Wiley, Chief Bureau of Chemistry, Washington.

W. D. Bigelow, Chief Division of Foods, Washington.

B. H. Rawl, Chief of Dairy Division, Washington.

Dr. Ira Remsen, Chairman Referee Board of Consulting Scientific Experts, Baltimore, Md.

Dr. Russell H. Chittenden, New Haven, Conn.

Dr. John H. Long, Evanston, Ill.

Dr. Alonzo Taylor, Berkeley, Calif.

Dr. C. A. Herter, New York City.

## UTAH.

Willard Hansen, State Dairy and Food Commissioner.

Herman Harms, State Chemist.

## VERMONT.

No response.

## VIRGINIA.

E. W. Magruder, Chief Chemist.

## WASHINGTON.

Ernest Kelly, Inspector.

## WEST VIRGINIA.

No response.

## WISCONSIN.

J. Q. Emery, State Dairy and Food Commissioner.

Richard Fischer, Ph. D., Chemist.

## WYOMING.

E. W. Burke, Dairy, Food and Oil Commissioner.

Prof. Henry G. Knight, State Chemist.

Secretary Allen: Are there any whose names have not been called, appointed by governors or otherwise?

Mr. McCabe: Mr. President, I rise to ask if Arizona has been called.

The state of ARIZONA was then called by the secretary, to which the name of B. W. Zacho was returned, as appointed by the governor.)

President Emery: Is there a dairy and food department in Arizona, or a food department?



Mr. Zacho: No.

Mr. Mains: I did not hear the state of Kentucky called.

Secretary Allen:

#### KENTUCKY.

R. M. Allen, Executive Officer Food Division Agricultural Experiment Station, Lexington.

H. D. Spears, Asst. Chemist Food Division, Lexington.

B. F. Scherffitus, Inspector Food Division, Lexington.

Prepared by the American Food Journal.

#### FORMER FOOD CONTROL OFFICIALS PRESENT.

(Prepared by THE AMERICAN FOOD JOURNAL.)

J. H. Shepard, former Chemist South Dakota Dairy and Food Commission.

Mrs. Mary Wright, former Dairy Commissioner of Colorado.

E. O. Grosvenor, former Dairy and Food Commissioner, Detroit, Mich.

#### REPRESENTATIVES PRESENT FROM OTHER ASSOCIATIONS, COMMISSIONS AND LEAGUES.

Prof. H. A. Weber, Food Standards Committee Association of Official Agricultural Chemists.

Dr. Daniel R. Lucas, Sanitary Expert, New York City.

Dr. Charles A. L. Reed, Chairman of The Legislative Committee of The American Medical Association, Cincinnati, Ohio.

Miss Florence Kelly, Executive Secretary National Consumers' League, New York City.

Mr. Orville D. LaDow, National Association for the Promotion of Public Health, New York City.

Mrs. Sarah Platt Decker, former President Federation of Women's Clubs.

#### MANUFACTURERS AND THEIR REPRESENTATIVES PRESENT.

The following representatives of manufacturers attended the convention:

W. E. Castle, President Millers' National Federation, Louisville, Ky.

Hon. William Judson, representative of the National Wholesale Grocers' Association.

Warwick M. Hough, Gen'l Counsel National Wholesale Liquor Dealers' Association, St. Louis, Mo.

Geo. C. Dempsey, of P. Dempsey & Co., Boston, Mass.

W. P. Anderson, J. Hungerford Smith Co., Rochester, N. Y.

Thomas E. Lannen, representative of the National Confectioners' Association, Chicago, Ill.

Willis Baldwin, Monroe, Mich.

Williams Bros. Co., Detroit, Mich.

A. F. Merrill, president of the Oyster Growers' and Dealers' Association, New York City.

Dr. T. B. Wagner, Corn Products Refining Co.

S. F. Taylor, Borden's Condensed Milk Co.

Dr. Edward Gudeman, Borden's Condensed Milk Co.

Dr. J. A. Wesener, Columbus Laboratories, Chicago.

Dr. E. N. Eaton, American Laboratories, Chicago.

E. E. M. Newton, Reid, Murdock & Co., Chicago.

Jay D. Miller, Sprague, Warner & Co., Chicago.

Mr. A. Lowenstein, Morris Co., Chicago.

A. P. Callahan, Chicago.

Carl S. Miner, The Miner-Lawrie Laboratories, Chicago.

W. L. Newman, Jr., representative of the Diamond Crystal Salt Co., St. Clair, Mich.

R. W. Shauman, of Armour & Co., Chicago.

W. C. Kirk, Armour & Co., Chicago.

A. C. Rudenick, Armour & Co., Chicago.

Herbert M. Shilstone, Analytical Chemist and Sugar Engineer, New Orleans, La.

Ellis L. Howland, Kellogg Toasted Corn Flake Co., Battle Creek, Mich.

B. A. Greene, Vacuum Insulating Co., Chicago.

Sebastian Mueller, H. J. Heinz Co., Pittsburgh, Pa.

L. S. Dow, H. J. Heinz Co., Pittsburgh, Pa.

Glen F. Mason, H. J. Heinz & Co., Pittsburgh, Pa.

R. A. Badger, Curtice Bros. Co., Rochester, N. Y.

Hon. South Trimble, Frankfort, Ky.

Mr. F. E. Holliday, representing National Wholesale Druggists' Association.

Mr. D. D. Colcock, Secy. Louisiana Sugar Exchange, New Orleans, La. Swartzschild & Sulzberger.

A. Cressey Morrison, representing American Baking Powder Association, New York City.

C. J. Jacobs, Calumet Baking Powder Co., Chicago.

Mr. Dana T. Ackerly, of Breed Abbott and Morgan, Attorneys for the National Wholesale Grocers' Association.

Dr. Wm. Jay Schieffelin, of New York City.

C. T. Hendrickson, Secy. & Mgr. The Royal Remedy & Extract Co., Dayton, O.

#### OTHERS PRESENT.

Paul Pierce, Natl. Food Magazine "What To Eat," New York City.

R. Rutherford, Asst. to Paul Pierce, same magazine, Chicago, Ill.

O. L. Deming, Food Law Bulletin, Chicago, Ill.

H. B. Meyers, American Food Journal, Chicago, Ill.

Mr. Foust: Mr. President, at this time I want to make a motion—that if any other commissioners come in on the payment of dues of \$10 they be enrolled. (Motion seconded.)

Mr. Jones (Illinois): Mr. President, I move to lay that on the table. I don't think a commissioner who comes in now and pays these dues, if he is a new commissioner, ought to be identified with this association until the proceedings are over. I therefore make a motion to lay it on the table. (Seconded.)

President Emery: I shall have to hold that motion out of order.

Mr. Jones (Illinois): A motion to lay on the table is always in order.

President Emery: But the question is—it is a vote in violation of the by-laws of the organization.

Dr. Bryan: Mr. President, the motion as made does not say if the—

President Emery: Wait a moment; I think Mr. McCabe has the floor.

Mr. McCabe: Mr. Chairman, if you will indulge me, I was a little bit late in coming in. Has there been any motion before the house or any action by this body relative to the payment of these fees this afternoon?

Secretary Allen: No. Mr. McCabe, as soon as Dr. Ladd gets the proceedings of last year—I recollect that the amendment which made the \$10 the dues made it a fee which carried with it a right to membership in the association, paid in advance. Has Dr. Ladd the proceedings with him?



Mr. McCabe: Mr. President, I move as a substitute for Mr. Jones' motion, as that is before the house, or—

President Emery: The Chair has ruled that Mr. Jones' motion is not a proper motion at the present time.

Mr. McCabe: Then I move, Mr. President, that all representatives who are entitled to membership in this association and not present at this time and who may arrive before the adjournment of the convention shall be entitled to participate in the proceedings of the association upon the same conditions which govern the participation of those members who are now present. Does that motion receive a second? (Seconded.) There are a number of—

Mr. Brown: Mr. President, before Mr. McCabe speaks, I want to suggest that the two motions, both his and Mr. Foust's, are essentially the same.

Mr. Foust: If they are, I will accept your motion.

Mr. McCabe: There are a number of members of this association present—

President Emery: Now, Mr. McCabe, may I ask a question to begin with? Are we to understand that your motion—that these participate as others do? The others are paying dues in advance of voting.

Mr. McCabe: That will be for the Chair to decide, I presume, when we come to it. There are a number of members of this association who are new in the work and who have not been present at other meetings of this association. They are here; they did not have any knowledge, some of them, that the fee was to be exacted; that is their misfortune. Many more of them have not had an opportunity to put the matter up to their state departments. Now, I take the position that there is no man holding a position as state commissioner that is not good for \$10, and that no requirement should be attempted to be imposed upon him that he must pay his \$10 before he can participate in one vote, and I think it eminently fair that we should extend, as this motion does if I understand its purport correctly, to those of our members who may not be here now but may come in to-morrow morning the right to participate in the proceedings of this convention on the same footing as we participate in it, and leave the payment of dues for further consideration.

Mr. Flanders: Mr. President, I was on the committee at Mackinac that passed upon this resolution. I am aware that the last part of that resolution provides that a state cannot cast a vote here when its dues are not paid. It involves a question which some gentlemen here have been trying to get the Chair to decide, namely, when are those dues due? They are not to be paid until they are due, in my judgment, and we have all the rights, every state here, until they are due. If they are due the first day, then we must pay as a condition precedent to voting; if they are not due until the day we adjourn, then we can vote all through the meeting and pay at that time, and if we do not pay at the time they are due, subsequent voting cannot be had by the state. Now, I think the gist of the question is right here—when are those dues due? Are they due now or at the time we adjourn or before we adjourn? That is what I would like to have the Chair decide.

Mr. Foust: Mr. President, I think this discussion is all out of order, because the Chair has not put Mr. McCabe's amendment, which was accepted by myself,

who made the original motion. Therefore the discussion is out of order until you present the motion.

President Emery: Will Mr. McCabe please state his motion again—and I wish you would reduce it to writing.

Mr. Jones (Illinois): Have we an official stenographer, Mr. President? I would like to ask if there is not an official stenographer here.

President Emery: Yes, sir.

Mr. Jones (Illinois): That stenographer ought to read the motion.

President Emery: I was just stating that if he would repeat his motion the stenographer could take it. Will the stenographer read the motion as given by Mr. McCabe?



HON. GEORGE P. McCABE,  
Solicitor Department of Agriculture.

The motion was then read by the stenographer, as follows:

"I move that all representatives who are entitled to membership in this association and not present at this time and who may arrive before the adjournment of the convention shall be entitled to participate in the proceedings of the association upon the same conditions which govern the participation of those members who are now present."

President Emery: The motion before the house is as made by Mr. McCabe, as read by the stenographer. Are there any further remarks on that subject.

(Question called for.)

The motion was thereupon put by the Chair, and carried unanimously.

Mr. McCabe: I now wish to move that it is the



sense of this convention that the dues are payable on the last day of the convention. (Seconded.)

President Emery: Wait a moment. You mean dues for the preceding year or the succeeding year?

Mr. McCabe: I mean any dues that may be due and payable at this meeting—that before members are entitled to participate, according to the by-laws, since there is no time stated in the by-laws at which they are to be paid, they may be paid at any time before the last day of the convention. (Seconded.)

Mr. Briggs: I would like to ask for information, Mr. President. I am a new member and am willing to pay my dues, and I want to know whether my dues are for this meeting or for the ensuing year. I do not propose to pay dues for work that has been gone past—for water that has passed the mill. I propose to join this association, if you will allow me to, and pay my dues, and I begin to-day, and I pay my dues in advance.

Mr. Foust: Mr. President, I rise for information. Was there not a resolution passed at Mackinac that the \$10 should be considered a membership fee?

President Emery: That is the way I understand it.

Mr. Foust: It seems to me, Mr. President, that Mr. McCabe's motion is not in order if this is paid in the form of a membership fee rather than dues, and I think that is the shape of it.

Mr. Cannon: I call for the reading of the Mackinac amendment. (Laughter.)

Dr. Ladd: Mr. President, I would say in regard to the proceedings of the Mackinac meeting that unfortunately they have not yet arrived. The papers were turned over to me to get bids for printing, and the bids would amount to in the neighborhood of \$400, and there was less than \$100 in the treasury, and I think the committee decided not to authorize their printing if we did not have the money on hand. I left some time ago for the West, and my papers have not arrived. Unfortunately, therefore, the proceedings are not here.

Mr. Jones (Illinois): Mr. President, it does seem to me that it would be easy for our honorable chairman to state, and I think it would be right for him to state, that it is proper for all those who attended the Mackinac meeting to pay up. I think they are in honor bound, before they vote, to pay, but I don't think a new member is, if you want to know what I think about this, and I think a majority of those here feel as I do about it, and I think the new members feel that way about it. I don't think they ought to be required to pay at this time. It never has been done in times past, and the by-laws do not seem to require it. This is the first time I have heard of this amendment, and really it is not a by-law until it is published under the constitution and read to this convention.

Mr. Briggs: Mr. President, I rise for information. Is this \$10 considered an initiation fee or is it to be an annual due of \$10? If it is an initiation fee, of course there is no due for those who attended the Mackinac congress. If it is an annual due, it is payable when it is due each year, of course. I would like to know.

President Emery: This question of the \$10 and what it covers has been a question that has been very vague to me, I confess that, and if the members of the committee who reported that understood what was intended by the committee I should be glad to hear from the members of that committee.

Mr. Bird: Mr. President, may I make a suggestion—

Mr. Briggs: Until that is answered, Mr. President, I don't see what we can do. We are proceeding without knowing what we are trying to do. Someone should rule upon the question as to whether it is an initiation fee or a due.

Dr. Ladd (North Dakota): Mr. President, I was a member of that committee. As I understand it, the committee decided and recommended to the convention that each state should pay \$10 annually for the privilege of voting, and that matter is settled unless this convention sees fit to change it. Now, as far as these new members coming in from states that have not heretofore participated are concerned, that question should properly come before the meeting for settlement. I see no reason for bringing up the other matter, because, as I understand it, this was to be an annual fee of \$10 to meet the legitimate expenses of this association.

Mr. Foust: Only for that year.

President Emery: Yes. But when does the year begin and when does it end?

Mr. Foust: It began at the Mackinac session and is ended now.

Mr. Rose: Mr. President, I would like to ask for information. Who are entitled to membership in the National Food and Dairy Commissioners' convention? Is it not the various states of the Union? Now, what constitutes a membership? Is the state a unit? Does the state pay this \$10? How many votes does each state have in this convention?

President Emery: Three.

Mr. Rose: Who has them?

President Emery: The members and those eligible to membership.

Mr. Rose: I notice some of the states have a number of delegates.

President Emery: They cast only three votes. One man can cast three or a dozen men can cast three votes.

Mr. Bird: Mr. President, may I make just a suggestion—I don't care to make a motion. I would suggest that the sense of this convention is as Dr. Worst has stated, and why can't we, by mutual consent, understand that this \$10 is to be paid by to-morrow night, giving to the presiding officer or the secretary sufficient latitude so that if any delegate states to the secretary that owing to the auditing practices in his state he cannot pay that until he gets home, that shall be equivalent to a payment. Why can we not, by mutual consent, drop it at that and go on with the work?

Mr. McCabe: If Mr. Bird will put that in the form of a motion I will be glad to vote for it.

President Emery: Will you put that in the form of a motion, Mr. Bird?

Mr. Bird: I move, then, Mr. President, that the \$10 fee be made payable before the adjournment of this convention on Thursday night—and the matter of latitude I will not include in the motion; I think the secretary will accept that.

Mr. Flanders: Mr. President, may I suggest this: The penalty for not paying is loss of vote. Would it not be well to put it in this way, that it is in the nature of a statute of limitation, saying that if the money is paid before to-morrow night the statute of limitations shall run against him, but not now, so that



if we do not pay by to-morrow night we will lose our vote subsequently in this body.

Mr. Bird: My only idea was that I would like to leave something to the good temper of this convention. (Applause.)

Mr. McCabe: Mr. Bird inadvertently overlooked one phrase at the end of his motion, that is, that in the meantime the representatives of the states and departments here would be entitled to vote.

Mr. Bird: Yes, but I think that would be implied. I will so include it very willingly.

(Question called for.)

President Emery: The question before the house is the motion by Commissioner Bird. Will the stenographer please read the motion?

Mr. Bird: If the stenographer will expunge that I will restate the motion: I move that the \$10 fee shall be made payable on or before the adjournment of this convention on Thursday night of this week, and that until that time every member having been reported to the secretary shall have a vote in this convention—or every state, rather. (Seconded.)

(Question called for.)

The motion by Mr. Bird was thereupon put by the Chair, and carried unanimously.

Mr. Burke: Mr. Chairman, I have a resolution which I wish to put before this convention, and if it meets with their approval I move that it be adopted. I now hand it to our secretary to read.

The secretary then read said motion as follows:

#### RESOLUTION.

"WHEREAS, IT HAS BEEN THE CUSTOM DURING THE LAST TWO OR THREE YEARS FOR THE ASSOCIATION OF STATE AND NATIONAL FOOD AND DAIRY DEPARTMENTS TO HOLD ITS CONVENTIONS IN EXECUTIVE SESSION, TO WHICH THE PUBLIC AND ITS REPRESENTATIVES WERE NOT ADMITTED; AND

"WHEREAS, NOMINATIONS OF OFFICERS HAVE BEEN MADE BY A COMMITTEE APPOINTED BY THE PRESIDENT, THEREBY TAKING THIS PRIVILEGE FROM THE CONTROL OF THE CONVENTION; AND

"WHEREAS, SINCE THE PUBLIC IS INTERESTED IN THE PROCEEDINGS OF THE CONVENTION, AND THE MEMBERS OF THE ASSOCIATION ARE PUBLIC SERVANTS INTERESTED IN THE CARE AND CONSERVATION OF THE FOOD SUPPLY OF THE PUBLIC; THEREFORE BE IT

"RESOLVED, THAT THE THIRTEENTH ANNUAL CONVENTION AND ALL ITS DISCUSSIONS SHALL BE OPEN TO THE PUBLIC AND ITS REPRESENTATIVES, THE PRESS; AND BE IT FURTHER

"RESOLVED, THAT THE NOMINATIONS OF OFFICERS SHALL BE MADE FROM THE FLOOR OF THE CONVENTION, AND THAT THE SECRET SESSIONS OF THE ASSOCIATION SHALL BE CONFINED TO THE WORK OF THE EXECUTIVE COMMITTEE."

Secretary Allen: Mr. President, may I have the privilege of seconding the resolution?

Mr. Burke: I move the resolution be adopted. (Seconded.)

President Emery: The question occurs to me whether this motion about executive sessions is in order at this time. The program calls for no executive session except that of Wednesday afternoon, which has been explained to this convention, and it was put on there with a view of meeting this excursion on Thursday, and it does not seem to me the motion is in order.

Mr. Burke: I do not understand it that way, nor did I understand it that way before. That was not the custom at the Mackinac Island convention. Your program calls for an executive session, and I, as a

delegate from Wyoming, stand for an open door. (Applause.)

(Question called for.)

The motion was thereupon put by the Chair, and carried unanimously. (Applause.)



COMMISSIONER BURKE WINS THE OPEN DOOR FIGHT.

President Emery: We will now proceed with the program, and we will listen to some remarks on "The Most Salient Features in the Food, Dairy and Drug Control Work of the Respective States," in five-minute speeches, and I think, approaching this at this time of day, we will have to be confined strictly to five-minute speeches.

We will first hear from Professor M. E. Jaffa, director food laboratory, State Board of Health, Berkeley, California. (Applause.)

Dr. Jaffa: Mr. Chairman—We are gathered here today to accomplish what we can, by united effort, toward advancing the Pure Food movement. In considering, therefore, the question of the salient features of the food law, it seems thoroughly consistent with our purpose to bring forward points where change or development are needed, as well as those which are already thoroughly and satisfactorily established.

It has been borne in upon me with continually repeated emphasis, during the short time that we have been engaged in the enforcement of the law in California, that one of our greatest needs is uniformity, both between the different states and between the states and the Federal Government. One without the other will not solve the problem. The lack of this much needed system works a hardship to all concerned, especially to the manufacturer. Could anything be more ridiculous and illogical than the spectacle of a manufacturer putting up one quality of goods for one state, and a different quality for another state, and get a third to satisfy the U. S. D. A.? And yet that is a condition that confronts us, not only in California.

The standard of the Federal Government for condensed milk is 28.0 total solids. The California standard as passed by the last legislature is 24.5. That enables the manufacturers in our state to put up a brand of milk in a cheaper



manner than can be done in other states which conform with the U. S. standard, or which have a higher standard than California. Manufacturers in other states are at a disadvantage in shipping their goods to California, and *our men* in turn must put up a different quality of milk, if it is to leave the state or supply the U. S. navy.

If I may be allowed to tread on dangerous ground, I might mention catsup, fruits and the benzoate question. For instance, some states are trying to interdict the use of this preservative altogether. The Federal Government allows it, California allows it. The men who make products in those states forbidding benzoate of soda must, if they send their product out of the state, compete with those who use a cheaper process, perhaps on account of employing benzoate of soda. On the other hand, the men who put this preservative in their products with the full sanction of the Federal law, may have their product seized as contraband, if it enters Indiana.



DIRECTOR JAFFA WITH SECRETARY WILSON IN FRONT OF THE BROWN PALACE.

These are just a *few* instances—*nothing new*, but I want to add my voice to those who are *crying out for uniformity*.

Another salient feature of the pure food movement is the educational side. I think I have reason to feel proud of my state and its work in this respect. I can truthfully say that we have been met more than half way by our merchants and manufacturers. We have tried to make them feel that our main object is *not* to pounce down upon an ignorant infringer of the law and haul him up for disgrace and punishment. On the contrary, we have taken the attitude of instructors, and we have been surprised and delighted to find how anxious and willing the great majority have been to understand and to comply with the law. In order to reach those in out-of-the-way places who had not applied to us for information, the State Board of Health instituted a special system of work along this line during the past summer.

Part of the state was divided into sections and a specially qualified inspector sent to each district. He visited each town in his district and every store and factory in the town. He took no samples whatever. He looked over all the goods with the proprietor, told him which were not labeled properly, warned him against questionable methods, advised him about getting guarantees with his goods, etc., etc. We feel proud to say that out of the 1,000 establishments visited the cases of rudeness or lack of appreciation were so few that they are not worth remembering.

The inspectors were welcomed politely and dismissed with gratitude.

The manufacturers and dealers are not the only classes that require education. A great deal of persistent effort is needed in order to make the average consumer both intelligent and conscientious on this subject.

We all have heard the complaints from the grocer that the housekeeper now returns to him his pure maple syrup with the remark, "It is not nice, the family do not like it." She wants the kind of maple syrup she has always used—he offers her the choice of "cane and maple syrup" or "cane and corn syrup maple flavored." Oh, no! She will not have those, she never used "Corn Syrup," she used "Maple", but it was nicer than what he gave her the other day; she thinks she will try another grocer, and so it goes.

The law of supply and demand is a fixed one—we cannot hope to move it. We must, therefore, in trying to regulate the supply, work also to create and maintain the proper kind of demand.

I feel very strongly that still more time and effort should be used for educational purposes than has already been done, because it seems to me that successful enforcement, satisfactory enforcement is far more a matter of education than of law.

President Emery: Time is called. Your five minutes are up.

Mr. Briggs: Mr. President, I move that the gentleman have three minutes more time in which to complete his remarks.

Mr. Jaffa: One minute is all I want.

President Emery: Gentlemen, I cannot see how we can vary this program. We have allowed five minutes, and we have spent most of the afternoon, and I think we should hold to the five minutes.

[Ed. Note.—The above address of Mr. Jaffa as printed is complete.]

President Emery: I hope those who have papers will submit them to the stenographer.

We will next hear from Honorable Wilbur F. Cannon, Food Commissioner, of Colorado. (Applause.)



COMMISSIONER W. F. CANNON.

Mr. Cannon: Mr. Chairman and gentlemen, I will try to give some other speaker two and one-half minutes of my time.

Possibly the most salient feature of the Colorado pure food and drug act is the fact that it was conceived in the minds of the good women of our state, put upon our statute books by them and kept there by them (applause), and the women of this state are back of the pure food and drug department in everything they do.



The next salient feature that I wish to allude to is the fact that almost everything that has been accomplished in this state has not been accomplished by coercion, but has been accomplished by the good-will and co-operation of the trade itself. Almost every rule and regulation that we have put into effect has, voluntarily, willingly and with the greatest haste possible been put into effect by the retail grocers, the wholesale grocers, and the retail and wholesale druggists.

In the minute and a quarter that I am to further occupy your time I will say that the next most salient feature of the Colorado pure food and drug act is the fact that it is an edition de lux of the national law, and I believe I voice the sentiment of the entire state of Colorado when I say that while we have a National Pure Food and Drug law we propose to keep our Colorado law in exact conformity with it. (Applause.) I want to say to you and to Mr. Secretary Wilson that I feel as long as we have that desire to be in absolute conformity with the National Government I believe he should call his children to Washington in some of the cool days in the fall, gather them about his fireside, take them upon his knee, talk to them as a father would talk to a child, and that we should have a good old family reunion of United States and state commissioners. (Great applause.) I wish to say to you, Mr. Secretary Wilson, whom I am proud to call the Grand Old Man that whenever you summon your children to Washington we will gladly come at your command. (Applause.)

President Emery: The next will be a five-minute talk by Honorable H. L. Cochran, Dairy Commissioner, of Colorado. (Applause.)

Mr. Cochran: Mr. President and members of the convention. I have been asked to speak to you a few moments on the most salient features of the dairy business in Colorado. Never having faced such a body of people before, you will excuse me if I may seem like a heifer the first time she is put in a stanchion and the flow of my language is equal to the flow of her milk.

One of the most salient features of the dairy business to a practical dairyman is to know when he is on the right side of a cow and not get in connection with her right hind leg.

As I have only been in this association about three months, I am not able to state to you as many facts as I would like to, but, having visited about thirty-five different towns in the state in that time and a number of cheese factories and creameries and having inspected these plants, I have found that nearly every one concerned in the business seems to be willing at all times to aid us in our work and to make all the improvements he can. As our appropriation is only \$500 a year for covering this work, and we have sixty counties in the state to look after, you can see that I am greatly crippled in the work. I wish to state that the oleo business, which has been very great in the state in the past year, has been exceedingly reduced, and in fact nearly all of it is being sold as oleo and not as butter.

Having been welcomed to the state by my superiors, I cordially invite you to visit and inspect our creameries and our dairies.

I thank you. (Applause.)

President Emery: We will next hear from Honorable Hubert F. Potter, Dairy Commissioner, of Connecticut. (Applause.)

Mr. Potter: Mr. President and fellow members of this association: The Dairy Commissioner's department in Connecticut brings you greeting. I am very glad to be present at this convention and speak a word for the department's work in my little state. Connecticut is one of the smallest states, territorially, in the Union, but in the pure food work I think we are somewhere near the top. Your honored president of a few years ago was Dairy Commissioner in Connecticut for a term of about ten years. He has recently died, and I am attempting to do the work that he had started.

The pure food laws in Connecticut have been accepted; we have practically copied, at our session of the General Assembly two years ago, the National Pure Food law. We have several special laws on our statute books, but they are practically all of them in harmony with the national law. The work of the department, as I said before, has been taken kindly to; there has been very little friction in the department. When the new law was passed in 1907, practically a copy of the national law, the druggists in the state were somewhat opposed to the law. It was with considerable exertion on my part and considerable money and time spent that

I finally brought the druggists to be favorable to the law. We are having, as I said before, very little trouble in our department. We had a special law enacted two years ago which we called a sanitary law, causing the Dairy Commissioner or his assistants to inspect the sanitary condition in



COMMISSIONER HUBERT F. POTTER.

the dairy barns and buildings wherever dairy animals are kept. We have during the last two fiscal years inspected something like 2,300 or 2,400 dairies. The work has been done with practically no friction. I had to bring one prosecution in all that work. The present session of the General Assembly, which I presume will adjourn before I return home, has increased the appropriation for the two fiscal years from \$11,400 to \$16,600. That, I think, shows to the convention here that the work in the state is satisfactory. (Time called.)

President Emery: Honorable Alexander Lowber, secretary and executive, State Board of Health, Wilmington, Del., will be our next speaker. (No response.)

President Emery: Honorable William C. Woodward, health officer, Washington, D. C.

Dr. Woodward: Mr. President and gentlemen. I can say what I have to say in about two minutes. As a new member of this organization I have in the first place to express my pleasure at being here; in the second place, I may say that we do even better than does the state of Colorado with respect to the Federal law. We have been told that the state of Colorado has an edition de luxe of the Federal law. We in the District of Columbia have the real thing. In the District of Columbia, as you may know, the Federal law applies to local trade as well as to interstate trade, and the result is that we fall back on the Federal law whenever we are in trouble. We have some statutes of our own, and if we think we can get better results we utilize those statutes; but we are operating as a general thing under the Federal law, and we find that we get results by doing so. We get results on the one hand because the law seems to be a very efficient law, and we get results on the other hand because of our fortunate position with respect to the Federal Department of Agriculture. We operate in closest harmony



with the Bureau of Chemistry and also with the Bureau of Animal Industry, and we are perfectly in accord. I want to say here before I sit down that, so far as the



DR. WILLIAM C. WOODWARD.

District of Columbia has a voice in the doings of this association, it stands for uniformity, for stability and harmony. Without those three things our food laws, national and state, must, I believe, fail. (Applause.)

President Emery: Honorable Thomas G. Hudson, Commissioner of Agriculture, Georgia.

The response of the State of Georgia was a paper by Mr. P. A. Methvin, Chief Food Inspector of that State, and was handed to the secretary, and is as follows:

On behalf of the Department of Agriculture of the state of Georgia, I bring you greetings from the empire state of the South—the state of corn and cotton, the state of hills and valleys, the state of scenes, scenery and sands, the state more varied in her products than any in all the galaxy of the Union. Her scenery begins with the termination of the Appalachians, from whose peaks are to be had magnificent views for miles around; between these peaks lie the beautiful valleys rich in soil and mineral wealth, famed for their beauty, their Indian legends and magnificent scenery. In this section we have Tallulah “the terrible” and Toccoa “the beautiful,” a series of water falls whose height rivals the mighty Niagara and equal your own “Seven Falls.” Almost every known tree can be found growing luxuriantly on Georgia soil, from the characteristic oak, hickory, walnut, maple and birch of her mountains, whose value in hardwood and furniture making is incalculable, to the magnolia, palm and long-leaf yellow pine of her lowlands, whose rosin is the hardest and most brittle, whose turpentine is the clearest and most pungent, whose timber is most expensive; in enumerating her virtues, I would not forget her fault in producing on the coast region, the old black pine that is worthless to man or beast and is only an encumber of the ground.

I bring you greetings from a climate unsurpassed by that of any state in the Union; so evenly are the heat and moisture divided that nearly every kind of vegetable is successfully produced—the hard-headed cabbage of our mountains to the brittle celery of our sand beds.

I bring you greetings from the fruit section which abounds in the most luscious fruits that ever tickled the human palate; among them the magnificent Elberta, who found her birth in Georgia soil, and the redmeat, black-seed, green-rind water melon of Georgia fame alone.

I bring you greetings from the cotton fields, whose staple is the longest, whose fibre is the strongest, whose bolls are the crackest, and whose niggers are the blackest; from the fields of sugar cane, from wheat and oats and “taters” tame, from rice and ‘simmons’ the possum bane.

I bring you greetings from the minerals of Georgia—extensive and varied, consisting chiefly of gold, iron, aluminum, manganese, granite, slate and many precious stones; from mines of clay, which when manufactured into transparent china is of much commercial importance. Our extensive beds of marble, granite and cement, now being used in many states for public buildings, do not forget to send their greetings. They speak to you from Corcoran Art Gallery in Washington city, from the Government buildings in Rhode Island, from the Minnesota state capitol, from the Stock Exchange in New York City. A few bears, deer and wolves are to be found among our swamps and mountains, and had they known I was coming to you today, I think they too would have sent their greetings. Nor would the varieties of food-fish, which abound in our streams from the mountain to the seaboard, been laggard in their greetings. Nor would our swine of Jewish myth forget their message; our beautiful Red Jerseys, nor the round nose Berkshires, nor even the razorbacks, whose spinal column from one extremity to the other can cut their way into any forbidden field.



MR. P. A. METHVIN.

I bring you greetings from the herds that feed upon our “thousand hills,” our cane-brakes and plains of wire grass, whose dairy products are the question of the hour. The short-horned mountaineer, the black-nosed Jersey, the huge Red Durham, the vicious Angus, the Wire Grass Scrub, all have their parts in our dairy products, and as an officer going from the mountains to the Palmettos, from her coast to the Alabama boundary, methinks each breed is adapted to its own section. In north Georgia they tell you their mountain shrubbery and blue grass produces the purest and sweetest butter; in middle Georgia they tell you that no wheat makes such light biscuit to sop such fine sorghum, stirred with such firm butter, while drinking such spring-cooled milk; in the “Goober-Grabblers” section they tell you that their wire-grass is most nutritious for any cow—there is nothing comparable to the milk and butter of their scrubs, specially when eaten with Georgia cane syrup and black mammy’s cakes.



Georgia has over one thousand dairies, and while they are not all above the standard, the industry is rapidly growing; our food law provides especially for this industry and our department is trying to see to it that they are protected in their efforts, as well as the consumer, in the class of products they are distributing. The majority of dairymen are not only humanitarian as regards the helpless infant, the sallow-checked child, the decrepid grown-up, who subsists on milk, but they look to the betterment of their cattle, its protection and improvement in pedigree. The time is not in the far distant past when milch cows were of no further importance than to be milked and turned out upon the commons to feed upon whatever they could find—but then there was no Dairy-men's Association to plan nor a Pure Food law to execute. (Story.)

Men who tamper with milk are in a dangerous business. When a mother is denied the precious privilege to nourish her own and depends upon milk from the dairy for its food, she should have the best and when it is weakened with quantities of water it loses the virtue which it ordinarily possesses and which render it the one essential and admirable food for the infant and young child. Those who are careless in the handling of milk, often permitting it to become impregnated with poisonous substances, cannot be excused for their conduct on the grounds of ignorance. Pure milk is nature's most perfect food, but it takes on infection with utmost ease and for this reason the greatest care should be exercised constantly in the homes, dairies, milk depots and wherever it is handled. In order to fulfil the object of the Pure Food law there are two essential objects to guard: the consuming public from misbranded and adulterated foods and the protection of the honest manufacturer or dealer from unfair competition. Next to pure air, is pure food—one is almost as essential to the human needs as the other. Our department is trying to give the consumer a pure food and give the dealer who sells only pure food the benefit of the food law. I venture to say that no state operating a food law is receiving more earnest co-operation than are we—from consumers and merchants alike. From the daily newspapers in Atlanta and the state generally we have received untold assistance in our work and it affords us genuine pleasure to acknowledge their aid and encouragement. Our department has paid particular attention to the inspection and analysis of stock-foods, and I say it with pride, that no state operating under a pure food law is today receiving a higher class of concentrated commercial feeding-stuff than Georgia; rice-hull peanut shells, corn cob, oat hulls and similar material, heretofore used as an adulterant of stock food, is a thing of the past in our state. I cannot pass without saying a word about a stock and cattle feed that not only every feeder of Georgia, but of the South, is using with satisfactory results. Too, I notice many of the Eastern and Western feed manufacturers are using it with alfalfa, corn, oats and other ingredients in making their feeds; in short, there is not a feedstuff being offered from any section that supplies the same or nearly the same protein as does this feed—COTTON-SEED-MEAL. Georgia is proud of it and I believe every other state is.

Our recent bulletin, No. 48, on Commercial Feeding Stuffs, shows the work in part we have done along this line and is not only of interest to the feeder, but to the dealer and manufacturer also.

Almost all the work done since our food law has been in effect has been upon an educational basis and we feel sure that this mode of procedure has been more effectual and done more towards making the pure food law popular than had we used other methods; so heartily in favor of the food law are the people of our state that the prosecutions for violations have been extremely few; our commissioner has found it necessary to report a few cases to the National Government where interstate laws were concerned and most of these have been amicably adjusted. As a whole, the food work has moved along smoothly. Our department bids you God-speed in your organization and pledge our hearty support in enforcing the Pure Food law.

President Emery: The next speaker will be Honorable James H. Wallis, Dairy and Oil Commissioner, of Idaho.

Mr. Wallis: Mr. President and fellow laborers in this convention: I am not prepared with even a five minutes' talk on the most salient features of this work we are interested in, not knowing for more than an hour before I left home that I would be here. But I will state that one of the most salient features of the law to which I object is this, that it gives the opportunity for placing on our grocery shelves, to be used as a food product, ingredients that are the most

destructive to health. I allude, for instance, to the question of baking powder as one of the instances. Under our law baking powder is to be labeled with these words: "This baking powder is composed of the following ingredients and none other," and then follows a list of ingredients, and in the list of ingredients we find most destructive agencies. We



COMMISSIONER J. H. WALLIS.

find ingredients that will make of the most healthy man a chronic dyspeptic in six months if he uses some of the baking powder. We have five-pound cans of baking powder that can be bought for 25 cents, containing large quantities of alum. Now, we have been wrangling with the question of benzoate of soda. I think there are some things we can well afford to give some attention to. If destructive ingredients can be used in food, provided they are labeled, then why not let the milkman label his bottles to the effect that "This milk is composed of so much milk and so much water?" I don't think the adulterated milk is half as harmful as adulterated baking powders and some other food products that we have to contend with in our state. (Applause.)

President Emery: Honorable A. H. Jones, Food and Dairy Commissioner, Illinois. (Applause.)

Mr. Jones: Mr. President and Gentlemen of the Convention—I would state that in my judgment, the most salient features of the Illinois Food Law is that it is modeled after the National Food Law and based upon the work of co-operation between National and State Food Officials, and harmony of action with those officials of other states who are co-operating with the National Food officials.

Since the passage of the National Food Law and rulings and standards made thereunder by National Food officials, and having our Illinois law modeled after it and rulings and standards made in harmony with those made under the National Law—we can reach contraband goods coming across the border line of the State, and can reach the manufacturer and packer of illicit goods outside of the State and convict them for their wrong-doing, a thing we could not do prior to the passage of the National Food Law.

We have other features of our State Food Law that are of great assistance to us in apprehending the manufacturer or packer of adulterated foods and that is under Section 40 of our law we can have hearings and inquire into the guilt of both the retailer and the manufacturer of adulterated foods.

Another splendid feature of our Illinois Food Law is the "Confiscation and condemnation of misbranded or adulterated foods under Section 10 of the law."



This provision is far-reaching and under it we can have the goods condemned and destroyed under Section 29 of the law, we can seize illegal goods, and such seizure can be made without a warrant and taken wherever found and all our Inspectors are given full power and authority of Policemen in enforcing the law.

As soon as the National Food Law was passed I went to Washington, D. C., and had a conference with Secretary Wilson of the U. S. Department of Agriculture, as the enforcement of the National Food Law was placed in the Department of Agriculture, and also called on Dr. Wiley, who was placed in charge of the enforcement of the National Food Law—and arranged with them to have the Middle Division located on the north half of the 16th floor of the Manhattan Building in the City of Chicago, and the Illinois Department being located on the south half of the 16th floor of the Manhattan Building, we were in a position to cooperate with the National Food authorities.



COMMISSIONER A. H. JONES.

Illinois is fortunate in being centrally located in the Union, for she is circled by states having Food Laws and active food officials with Minnesota, Wisconsin and Michigan on the north; Indiana on the East; Kentucky and Missouri on the South and West. We are having less trouble than formerly; for it has only been a short time since Indiana and Missouri had Food Laws and Food Departments.

We have many difficult problems to solve yet—and the way of the Food Commissioner is not altogether lovely as it would seem.

Illinois is one of the first states in the Union in the production, manufacture and sale of the various food products. She is one of the first, also, in the production, manufacture and sale of the various dairy products—her broad prairies and fertile valleys are peculiarly adapted to the dairy business. She is a great corn state and here is the home of corn products of all kinds—in the language of the street "You can pay your money and take your choice" for it is all told on the label.

The label speaks for itself—and must speak truly—if it does not "woe unto the falsifier" who transgresses the law by falsely labeling any food product, for the consumer is entitled to know what he is purchasing—and he cannot know what the article is unless the label speaks the truth, and we are educating our people to read the label, and we are de-

manding that the label should be in bold-faced letters, and so plainly printed, and in such large type that they can be easily read.

The day for illegible labeling, by printing the names of the inferior article entering in the compound food products has passed in Illinois, and will not be tolerated.

In conclusion I would say, let the good work go on, until the people are fully advised as to the foods they eat—so that they may understand if they would have health, and maintain it, they must have a healthy food ration—and this cannot be obtained unless the various food products are properly prepared and truly and honestly labeled.

I want to thank you. (Applause.)

President Emery: I will next introduce to you Dr. H. E. Barnard, Food and Drug Commissioner, of Indiana.

Mr. Barnard: Mr. President and members of the convention. The department of the State Board of Health of Indiana, with which I am connected, has recently completed its second year of work under the Food and Drug law which took effect in 1907. The law has been enforced with greater ease this past year than during the first year it was in effect, and there is a more intelligent idea of the purpose of the law entertained by the manufacturers and by the retail trade, because of the greater efficiency of inspectors and chemists, and especially because the consumer is constantly becoming more interested in pure food work and consequently more insistent in knowing the character of his food supply and the conditions under which it is made. Not only has the percentage of foods and drugs dropped perceptibly during the year just passed, but it is becoming more difficult to find cases where there is even any ground for suspicion of adulteration. During the last fiscal year we analyzed over 2,000 samples of food products. Of this number 1,733 samples were found to be pure and properly labeled and 304 either adulterated or misbranded. This is equivalent to a percentage of adulteration of 14.9. In 1906 the percentage of adulteration was 42.3; in 1907 it was 20.8; and the record of the last year shows, therefore, a decided improvement in the general character of food stuffs sold in our state. The improvement in the quality of goods and the uniformly honest labeling may honestly be attributed to the passage of state and Federal pure food laws. Before these laws were passed dealers were no doubt just as honest as at present, but they had little opportunity to learn the true character of the products they were handling, the manufacture and sale of which in many instances involved unfair and dishonest methods and cheap competition, while the consuming public was indifferent to the character of its foods and looked to price rather than to quality. It is not possible to judge of the value of pure food laws by referring to a list of convictions or estimating fines assessed, nor is it advisable to employ such a method of arriving at the value of a law. Prosecution is a last resort, when all other means of securing compliance are ineffectual. It then becomes necessary to make use of that section of the law which provides for punishment for offenders. Nevertheless, last year more than 200 cases were successfully prosecuted during the year. It is worth noting that the only case depending upon the essential features of the law, which, by the way, is modeled after the Federal law in almost every detail, which has been carried to the Supreme court of the state, was decided in favor of the law and of the department. The case involved the prosecution of a dealer who, by his agent, a young girl, sold oleomargarine, properly labeled, and labeled as provided by the rules of the Department of Internal Revenue, to an inspector in response to a request by him for a pound of butter. The defense contended first that the principal was not responsible for the act of his agent; and, second, that the goods were marked to indicate what they were and that the purchaser was not deceived. The decision of the Supreme court in that case says:

"A man may conduct a business by himself or by clerks or agents, but if he chooses the latter the duty is imposed upon him to see to it that those he selects to sell the articles to the public obey the law in the matter of selling; otherwise, he, as responsible proprietor of the business, he is liable for the penalty imposed by the statute. The fact that the clerk had been given instructions to sell everything in the store for just what it was, and to sell nothing for a substitute for something else, does not remove from the proprietor his responsibility, and it seems clear that he should be held responsible for what was done by another."

As our work has progressed we have become more and more impressed with the fact that food adulteration as com-



monly understood is far less important to the community than food substitution. (Time called.)

President Emery: We will next hear from Honorable H. R. Wright, Food and Dairy Commissioner, Iowa.



COMMISSIONER H. R. WRIGHT.

Mr. Wright: Mr. Chairman, if the subject as it appears on the program is intended to give me a chance to boast of some extraordinary thing we have done, I guess I haven't any subject to talk about. The things I do I take some pride in—and of course you will not tell anybody I was boasting about it—is that in the state of Iowa we have attempted to continually and persistently and consistently enforce all features of the food law upon all of the adulterated and misbranded foods as we find them. We have not attempted to do anything extraordinary or spectacular or different from what other food commissioners do, but we have attempted to persist in the enforcement of the statute to the end that adulterators of food must understand that we mean business and that if they continue to do that sort of thing they are bound to get into trouble.

Now, I have not that hypnotic power that some of the Commissioners have of getting people to do things right because I tell them to or ask them to, but I prosecute them because I have to. I prosecute them for another reason, and that is because I believe that every man who is accused by me of selling adulterated or misbranded food has a right to his day in court. I may be wrong in my application of the food law to his label or to his product, and if so, then he has a right to his chance to show me that by the decision of the court which I must abide by. So that we prosecute them. We have had about 700 prosecutions in the last three years, of which about a dozen have been unsuccessful, of which about 25 or 30 have been fought in the courts and the others have paid fines on pleas of guilty. The department which I represent has numerous other laws. We have a dairy law which affects our dairy industry, amounting to \$40,000,000, and has to do with the sanitation of our creameries and the enforcement of laws regulating the testing of milk and cream at these creameries. We have a law relating to the adulteration and misbranding of stock foods, the sale of adulterated seeds, the sale of unlabeled paints and adulterated linseed oil. These prosecutions I have mentioned embrace all this line of subjects. The food law in Iowa was enacted just a few months before instead of a few months after the national law, and it differs from the national law in some particulars, and we enforce those par-

ticulars. I have held to the rule that so long as the law is on the statute books it is my duty to enforce it, whether I like it or not, and I enforce it to the best of my ability, but so far as principles are concerned, and the application of reason to the meaning of the food law, we have followed as most everybody else has the rulings of the national department and particularly have we followed those on those debatable questions relative to preservatives and some of these other things which are still in controversy. I like that suggestion of Commissioner Cannon that the Commissioners might easily and freely get together in Washington and advise and consult with the department there for the benefit of our own departments, and perhaps other national departments as well, so that we might co-operate together. Now, personally, I do not care much about any co-operation with other food commissioners just as a matter of mere pleasantries between me and them. It is results we are after. It is the protection of the public we want, and the easiest and quickest and most complete means to secure that is the kind of co-operation we want in Iowa and the kind of co-operation to which we will lend our support.

I take it my time is up. (Applause.)

President Emery: Dr. S. J. Crumbine, Secretary State Board of Health and Chief Food and Drug Inspector, of Kansas, will be the next speaker. (Applause.)

Mr. Crumbine: Mr. President and Members of the Association—I brought my speech here in a number of copies which I will be pleased to distribute to the Commissioners at the end of this conference.

Naturally, as might be expected, the Board of Health would be more interested in sanitary features of administration of the Food and Drug act than perhaps any other, and they have been the salient features of the enforcement of the law in our state. Particularly during this last year



DR. S. J. CRUMBINE.

we have made a campaign on the fly, or have endeavored to. I believe it is a greater offense against society for the dealer to keep a dirty, filthy place than to deal in misbranded or adulterated goods, for a misbranded package is not going to injure the health of any person, although it might take something from his pocket-book; neither will adulteration of



foods, as a rule, because we have found that most adulterants are not injurious but simply fraudulent upon the consumer. But in the matter of unsanitary surroundings, in the matter of filth and decay, in the matter of food infection by flies, there is a real menace to the health of the consumer. And so that is the salient feature of the Drug and Food law enforcement in Kansas.

In the past year we have had these placards made after the idea of Dr. Porter of Florida,—not original with me at all—and we have sent two copies of that to every postmaster in the state and asked him to post it up, and I understand from our inspectors it has been quite generally done. And those little pamphlets that tell the little fly story, we enclose them in every letter going out from our offices, and our inspectors are distributing them by the tens of thousands in street cars, on the corners and everywhere else, until even the good housewives and children in our state are feeling an antipathy for the fly. That is getting around to the

a large number of letters advising manufacturers as to whether or not we believe their labels to comply with the law. Such advice entails considerable work, but it is an old policy in Kentucky, one that we have found successful and intend to continue. In this connection our experienced inspectors are given considerable latitude with respect to the information they are permitted to give dealers, and when they go into a store the dealer's stock is inspected and the dealer told as to whether or not there are any labels which do not seem to comply with the law.

We are making inspections into the slaughter houses of this State, the bakeries, etc. We find that the dairies are very much improved over conditions found several years ago. There is far less watering and the per cent of fat is of a higher standard. We were assisted in making inspections by the Dairy Division of the Department of Agriculture, and they, together with the State inspectors, have done a lot of good, substantial work in Kentucky along this line.

The local slaughter house is the worst problem that has turned up during nine years of our food work in Kentucky. The only solution that we can see is to have centralized municipal or county plants, and such plants put under proper inspection.

The Kentucky Food and Drugs Act, under which we are now operating is in harmony with the National Food Law, and we are enforcing it as far as possible in harmony with that law. We are saying to our druggists and grocers: "Get a guaranty under the National law, and if there is a mistake, and if you have acted in good faith under that guaranty, we are going to make you a witness, and fight it out against the one responsible under the National law." This is establishing a confidence throughout the State in the minds of the retailers and a co-operative spirit. We haven't the authority for this under the State law, but we have authority under Section 5 of the National law to proceed with evidence to the U. S. Attorney against all violations of that law which we discover, and we are going to use this means to protect the retail trade whenever it appears that they are handling goods in good faith, and whenever they have availed themselves of a guaranty, and such other information as will enable us to establish the facts against the person or firm that should be held responsible for the adulteration.

The Kentucky law was enacted in 1898 with an appropriation of \$2,500. We have now a stronger law with an appropriation of \$30,000. The per cent of adulteration as far as we have been able to calculate is away below our former findings. We are having the unanimous co-operation of the Kentucky manufacturers, wholesalers, retailers and druggists and much co-operation from firms outside the State.

I thank you all. (Applause.)

President Emery: Dr. D. Harvey Dillon, President State Board of Health and Ex-Officio Food Commissioner, Louisiana. (Applause.)

Dr. Dillon: Mr. Chairman and Gentlemen of the convention—The State Board of Health of Louisiana and its chairman are entrusted and burdened with the work that few Boards of Health in this Union have been charged with. The legislature of the state of Louisiana in 1906 charged the State Board of Health with the enactment and enforcement of a pure food and drug law as well as a sanitary code. The State Board of Health of Louisiana, as well as its president, is appointed by our governor, and you can readily understand what the six members of this board and its president have had to contend with in the enactment of a pure food and drug law. The pure food and drug law of Louisiana conforms almost in detail to the national pure food and drug law. The only deviation from the national pure food and drug law is to meet local conditions not covered by the national law or the national regulation. In the enactment of the pure food and drug law of Louisiana we felt that while we were entrusted with the protection and conserving of the public health of the men, women and children alike of our state, it was our duty to protect them from the consumption of harmful and deleterious drug and food products, and at the same time we felt in honor bound to protect, in so far as we could, the commercial interests of our state against the enactment and enforcement of stringent as well as nonsensical regulations governing the sale of food and drug products in Louisiana. In the enactment of this law we spent a great deal of time. After we had prepared the draft we issued an invitation to all the people of our state affected by these regulations. We issued an invitation to the manufacturers and dealers alike to meet us and discuss in detail every regulation embodied in the pure food and drug law as it was proposed for enact-



MR. R. M. ALLEN.

real meat of this question of public health, it seems to me. The question of the misbranded article is material, of course, but not so far as the health is concerned, and I hope that the Commissioners will avail themselves of taking this little suggestion home with them in order to inaugurate this campaign for clean food and sanitary places. (Applause.)

President Emery: The next on the list is Honorable R. M. Allen, Head of Food Division, Agricultural Experiment Station, Lexington, Ky. (Applause.)

Mr. Allen: Mr. President, Ladies and Gentlemen—In the first place you will be interested to know that Dr. Scovell was operated on last Saturday and is getting along as well as he can, and that there has been no unfavorable news. (Applause.) Since his illness I have been called to Kentucky to take charge of the work until his recovery.

During the past year Professor La Bach and his assistants have analyzed 2,400 samples of foods and drugs covering the whole range of food and drug products. We have issued



ment. We said to those gentlemen, "We have no disposition to do you any injustice; we have no disposition to injure your business; and if you can show us a nonsensical regulation embodied in this law and can demonstrate to us, by process of reason, that it is nonsensical and drastic and stringent, that it is not necessary for the protection of the public health of the men, women and children of our state, then we will make the necessary modification." We are open to conviction always, and always will be so far as I am at the head of that department.

As I tell you, the regulations embodied in the pure food and drug law of Louisiana conform very closely to those of the Federal law. We are trailing after the Federal authorities, who have spent something like a hundred years in the scientific investigation of this all-important subject. We do not propose to these gentlemen or suggest to these people



DR. D. HARVEY DILLON.

regulations they have not passed upon. Now, I haven't the time in five minutes to discuss our regulations. A few of them, however, I want to discuss. We, in the pure food and drug law of Louisiana, allow the use of one-tenth of one per cent of benzoate of soda in the manufacture of food products. We do not believe it is harmful or deleterious or that it affects the public health. We allow the use of alum in the manufacture of pickles. There is not enough alum consumed in the pickles manufactured to injure or disturb the health of the consumer. We allow the use of sulphur as a clarifying agent in the manufacture of sugar and molasses, and I am here as a Louisianan, a living example of an individual who has consumed large quantities for a number of years of sugar and molasses in which sulphur has been used as a clarifying agent—and while I admit I am delicate physically, I did not come West for my health. (Laughter.)

Now, so far as standards are concerned, we follow absolutely the Federal regulations on all drug and food products. We have examined, since the first of January, when I was inducted into office, something like 1,000 samples of food and drug products. We have made 2,500 inspections—and I want to say incidentally that we are charged with the enactment and enforcement of a sanitary code in our state as well as a pure food and drug law. You therefore will not won-

der why a young man like me should be gray. We have inspected many unsanitary conditions to which our attention has been called and we have had in the courts in the past eight months 33 prosecutions and 32 convictions, only one man to get away, and if I had the time I would tell you how he got away. (Applause.) (Time called.)

President Emery: Dr. Charles D. Woods, Director Experiment Station, Ex-Officio Food Commissioner, Maine. (No response.)

Dr. William H. Welch, President State Board of Health, Maryland. (No response.)

Mr. Herman C. Lythgoe, Analyst State Board of Health, Massachusetts.

The principal feature of the food control work in Massachusetts is the milk and dairy inspection. We have occasional difficulties with the sausage grinder, the spice manufacturer, the coffee roaster and the elusive Italian and Greek vendors of oil from "his brother's plantation in the old country," which oil appears upon examination to be more or less the product of the new country. Occasionally the druggist, the grocer and the seller of cocaine have troubles of their own, but these evasions of the law are easily controlled and last but a short time. The milk dealer, however, is always with us and persists in making modifications of the product he sells, and it seems as if nothing can stop him. He appears to enjoy the process and when caught offers various excuses. It is so easy to accomplish his purpose, and the chances of getting caught are slight, as the inspectors are few and far between, collections are not frequent, and if he does get caught the fine imposed is much less than the profits which accrue to the habitual milk adulterator.

Our diplomatic dairy inspector visits the farms, examines the cattle, investigates the sanitary conditions of the barn, the milk room, the well, etc., notices the proximity of the privy to the milking room and the milk house, and manages to do this without exciting the animosities of the irascible farmer to any great extent. He makes a report to the secretary of the board, who subsequently notifies the farmer of any defects in his place that may have been discovered. Subsequently the farm is again visited and improvements noted. All the farmers whose farms are found worthy of commendation have their names printed in the Monthly Bulletin subsequent to the examination of their premises.

The food and drug inspectors do the collection of samples from the various stores, milkmen and farmers, and make the complaints in court when necessary. This is distinct from the dairy inspection and all samples are collected with a view of subsequent prosecution, that is to say, the inspector must be able to maintain a case on all samples if subsequent examination shows the samples to be adulterated. It is the custom of the department to trace back if possible to the responsible person. The milk dealer receives the analyses of the samples taken and if he makes no attempt within a reasonable time to complain against the person from whom he may purchase milk, he is prosecuted. If, however, he complains against another dealer the inspector goes to the second man, who is generally a producer, and takes more samples. If these second samples are good the first man is prosecuted, but if the second collection proves to be bad the second man is made the defendant.

In addition to low grade milk where actual adulteration can be shown, we find an occasional farmer whose morning milk is Jersey and whose evening milk is Holstein. To the initiated the method of accomplishing this transformation is obvious.

A peculiarity of adulterated milk is that we invariably catch the wrong man, or he is the best man in town, or the season was rainy, or it was dry, or in that particular month (January to December) milk always ran poor, or he just began to feed grain, or he just left off feeding grain, or the hired man or a tramp drank the cream, or the cans leaked, or the chemist did not know his business.

It is unfortunate that we do not get the right man in these cases (in my experience of twelve years only four men have admitted that they adulterated the samples), but, in spite of this adulteration, the average of the samples collected by our inspectors is in the neighborhood of 13 per cent in total solids and 4 per cent in fat, and the adulterated samples are as a rule less than 1 per cent of the samples collected. No samples of preserved milk have been found this year. The moral of the milk law is that the law is all right until it strikes you.



President Emery: Honorable A. C. Bird, Dairy and Food Commissioner, Lansing, Mich. (Applause.)



COMMISSIONER A. C. BIRD.

Mr. Bird: Mr. President, Ladies and Gentlemen—I am going to tell you of a very simple work we have been carrying on for the first time during the months of July and August of this year, in which we have used eighteen college students and the total expenditure will be \$3,000. To begin with, the Agricultural college is at Lansing the same place the department is located. These eighteen college students are juniors, taking the dairy course at the Agricultural college. We put two in each of nine cities, eliminating only the city of Detroit, which has its own milk inspector. They take samples of practically every milk dealer or milk deliverer in the cities in which they are working every day; they are competent to conduct ordinary sanitary tests, which they do, putting that milk through every day, and reporting to the department by mail. They are also competent to make colony counts in the bacteria tests if it is necessary. Now, what we get from those eighteen students every day is a record of every man's milk delivering milk in these nine cities—in nine cities, mind you. We find, of course, some good and some bad milk. The good milk we have to pay no attention to. The milk that is bad gets prompt attention. We take it up immediately with the men who deliver that milk. I have no authority to write to a man in Michigan and tell him I want him to come to the department laboratory to discuss the condition of his milk, but if I write him to come he comes. You can see why. He is interested in a good product. If he is not interested he cannot stand the publicity of a prosecution. He comes right over to the laboratory. I tell him what we have found in that milk of his. He almost always will say to me that he does not produce that milk but that he buys it from five to six or eight or ten farmers. I tell him we will take samples of the milk as it is brought to him so that we can locate the farmers that are producing milk under bad conditions. From that we go right to the farmers. Now, I have run across this trouble. In Michigan

we are full of condensed milk factories, some of the largest in the country, as you know. Right around the city of Lansing the milk dealers came back to me and said the farmers snapped their fingers in their faces and said if they didn't want their milk in the condition in which they were buying it they would sell it to the factory. I immediately wrote or notified in some way those farmers that they could not sell to the factory nor to anyone until they improved the condition of that milk. I want to show you how else I got co-operation. I called upon the manager of the condensed milk factory and I said to him, "I don't want you to buy from those men." I couldn't have told him not to, but he was a gentleman, and he believes in good milk, and he said to me, "I will not buy of them until you say that I may." In other words, I had to protect the man who delivered milk. Well, now, as to results. I want to say just another word. Those eighteen students covered nine cities. We alternate so that they go from one to another city, backward and forward, so that the milk men will not know just when to expect them. We would leave them two weeks in one city, and then in a contiguous city two weeks more, so arranging matters that they could be at home during half of their work and save that expense. We pay them \$50 a month, and they are glad to do it, it is splendid experience for them. So that in the two months we are paying those eighteen men about \$1,800. The expenses being but nominal, it will cost us about \$3,000. Now, let me tell you what we have accomplished. I can best illustrate it by saying what happened a couple of weeks ago. The state analyst had been away for a week or two and when he came back he came into my office and said to me, "Do you know the milk in the city of Lansing is 100 per cent better than it was ten days ago?" Now, I think it is worth the while we have given to this matter. By that simple expenditure of \$3,000 we have given, easily, 300,000 people in the state of Michigan pure milk, good milk, splendid milk, during the hot months of July and August. We have done more than that: we have educated a lot of milk dealers and a whole lot of farmers. (Time called.) (Applause.)

President Emery: Honorable Andrew French, Dairy and Food Commissioner, Minnesota.



COMMISSIONER ANDREW FRENCH.

Mr. French: Mr. President, Ladies and Gentlemen—Just a moment ago one of my good neighbors from the state of Iowa over here—and, by the way, that was after Iowa had



occupied the platform—suggested to me that if this list contained in the program and covering approximately two pages should be followed through during today's session and each speaker be allowed the time allotted to him it would be 7:40 this evening when we concluded this session. Now, I am going to assist in cutting that down, not only to 6:40 but to 5:40 if the rest of them will follow my lead.

The dairy and food department of Minnesota, as most of you probably know, and especially the older dairy and food commissioners, is not a baby. It is not young even. Although the present dairy and food commissioner might be included among those who are listed among the younger members of the society, not the upper class of society but the good everyday kind. The dairy and food department of Minnesota has been doing business for a good many years, in fact it has passed by three years the period of attaining its majority, so that today it is twenty-four years old. It could not be expected, I presume, even by our good friend the Secretary of Agriculture, that the dairy and food department of Minnesota would go trailing along after any food control work down at Washington, because we have been there too long to be trailing after anybody. I do not say this boastfully at all, because I am in that happy position of being a newcomer in the department, so that whatever I say or whatever has been done should be attributed to the good work which has been accomplished by my predecessors. And I want to say to you dairy and food commissioners or food control officers here this afternoon that I believe the best work—one of the means that has accomplished the best results in food control work in our state has been done, I think, along the line suggested by our good friend from Nebraska when he made some stentorian remarks here touching some motion this afternoon on the open-door policy. During the office hours of our department the doors are open to everybody. If a man has any kick coming, whether entitled to it or not, the door is open to any food producer, distributor or consumer. He can come in there and the dairy and food commissioner and the entire force of that department, whether the dairy and food commissioner is present or not (and he is, a large part of the time), are willing to sit down and talk over what that individual any complaint he has or thinks he has with reference to the rulings or actions of the food control officials of our state. That policy, which was inaugurated by my predecessors, has brought about better results, I think, than almost any one thing that was inaugurated during the history of that dairy and food department. Hence we have the support not only of the consumers, we have the encouragement not only of the consumers, the people of the state, but we have the hearty co-operation of the food manufacturers and the food distributors of our state almost to a man—certainly to a man among all of those who can be classed as reputable, and that, as you know, includes nearly all of them.

Gentlemen, I heartily thank you for your attention. (Applause.)

President Emery: We will next call on Dr. William P. Cutler, Dairy and Food Commissioner, Missouri.



DR. WILLIAM P. CUTLER.

Dr. Cutler: Mr. Chairman, Ladies and Gentlemen—The most important part of the work, or rather enforcement of

the work in Missouri, is the assistance of the women. The women's clubs in Missouri are responsible for the passage of the law in the first place, and they have been watching the details of the work and are on the lookout all of the time for improvement, and if any suggestion is made to them as to how they can help they get busy at once. For example, we are suggesting to the several cities of the state a law which they can pass for local purposes to the end that they may have local inspection and also to the end that we may have that much more assistance. In Carthage we have a city which I believe to be the best inspected city anywhere in the United States. I never knew of one that was so good in Missouri, and I believe none is better anyway. And it all came about in this way. We suggested an ordinance, which was passed by the local people. And, by the way, in order to facilitate the passage of that ordinance, I sent an inspector and a chemist with a float laboratory for the inspection of milk into the town, and we clean up the town, we make a killing, as the saying is, and then we make a demonstration before the council as to what can be accomplished by inspection. This was done in this place I speak of. A lady came from Wisconsin down there to Carthage, by the name of Nicholls. She lives there; she is a wealthy lady; and she got the ladies together, and she says, "Now, we have a law here and we want to see that it is enforced," and those ladies went to every grocery store and every meat market in that town and said, "If you don't live up to this law in every detail we won't buy a thing of you," and the merchants began to scrub their floors and sweep the cobwebs off their ceilings and arrange things on their shelves; and the consequence is they have first-class inspection. All hail to the women; they help us. They have been so great a help to us in our work that I am beginning to think we ought to put a woman inspector on.

Mr. Foust: We have two in Pennsylvania.

Dr. Cutler: Good. I believe a woman will see that the dealer fully and honestly complies with the law or she will everlastingly lean on his counter and talk fast enough so that the fellow will be glad to fix things up satisfactorily in order to get rid of her, if for nothing else.

Now, following the lead of my friend Dr. Crumbine, I have adopted the score-card system. My inspectors go about over the state and score every grocery store, meat market and every food-furnishing place, jobbing house or anything of the kind. We invite everybody in the state to write to us for a copy of the score of any grocery store in the state that we have inspected. A lady wrote to me the other day and said, "I want a score-card report of every grocery store in Montgomery city." We sent it to her. Then she got busy on the grocery stores. She says, "This is a fine state of affairs to have on the records of the state here." She says, "This is a pretty how do you do. You had better get busy and clean up or we will not do any business with you." It seems to me the women have done more good than anybody else. Furthermore, we invite the co-operation of every food interest, every manufacturer and seller and consumer, and by doing that we are acquiring the ability to accomplish results that we could not otherwise get.

I thank you. (Applause.)

President Emery: The next speaker will be Dr. William Tracey, President Meat and Milk Inspection Board, of Montana. (Applause.) (No response.)

President Emery: Honorable S. L. Mains, Food, Dairy and Drug Commissioner, Nebraska. (Applause.)

Mr. Mains: Mr. President, Ladies and Gentlemen of the convention—I will state that as soon as I had taken office, or shortly after, we issued a ruling or statement that in all cases where the law of Nebraska was not clear and the federal law was explicit we would rule with the federal law. Now, there are some sections in our law that are different from the federal law. For instance, on some matters we require the net weight or measure to appear. We require also on all food articles the percentage of alcohol to appear, even in extracts. There are some requirements in our law that are not in the federal law. I would state, also, that two-thirds of our attention is given to the dairy end. We have four dairy inspectors and two food and drug inspectors. I would state to the good doctor from Missouri that one of those food and drug inspectors is a lady. She was strong enough to hold over from the former administration also,



another thing that speaks well of her. I am very glad to say that I think she is one of the best inspectors we have. (Applause.)

Now, in connection with the dairy business, I would state to you that our state is not strong in manufactures, excepting in dairying. We have one point in the state of Nebraska that manufactures more creamery butter than any other place in the world. We manufacture over 18,000,000 pounds of butter in the city of Omaha every year. We claim this, too, for the state of Nebraska, that we grow more corn, wheat and oats than any other state in the Union, per capita. In conducting this food department, though, we take up the matter of—where we find a violation, especially on labeling and the like, we write to the retailer, and the jobber or manufacturer, telling them wherein they have violated the law and asking them to get right. We have felt that as it was a new law it would be much better to be missionaries instead of policemen, and we have worked on that line. We keep a record of every inspection made, and when we visit the place again, if they have shown no inclination to straighten

laws was passed which, in all important particulars, is identical with the federal act, and in most of its particulars is a re-enactment of previous legislation. The food laws have been enforced in New Jersey, in part at least, since 1881. The state board of health naturally pays most attention to sanitary matters, and the most important part of our work, that causes us the greatest trouble and gives us the most anxiety, is the safe-guarding of the milk supply. New Jersey is a thickly-populated state; it has a very large foreign population, who are ignorant and prone to unsanitary methods and live in thickly-settled communities, and safeguarding of the milk supplies of those people during the hot season is of great importance and also is a matter of great difficulty. The elimination of the ordinary forms of adulteration, that is, the use of water and preservatives, has been actively fought for twenty years or more, and is now pretty well under control. The sanitary end of it is not so well under control. During the last two or three years an attempt has been made with our limited resources to institute a system of dairy inspection throughout the state. There are about 10,000 farms in the state of New Jersey on which milk is produced for sale, and the inspection of those places is no small task. During the last three years about two-thirds of them have been inspected, and the inspections are now going on at the rate of about 200 a month. Some improvement invariably follows the inspection work. We are using a modification of the federal score-card, and the score-cards are given to the dairyman and suggestions given to him as to what should be done, and in conditions where matters are unfavorable they are reported to the local board of health in the municipality where the milk is sold and usually results in the stopping of the sale of that milk until conditions are remedied. In that way we secure more prompt compliance with the law than we would by prosecutions. During the last fiscal year we have examined about 6,500 samples of drugs and food, including milk, and have instituted about 350 prosecutions, of which about 95 per cent have been successful. (Applause.)

President Emery: Honorable George L. Flanders, Assistant Commissioner Agriculture, New York. (Applause.)

Mr. Flanders: Mr. President, Ladies and Gentlemen—The most salient features in the enforcement of the food laws of New York I will touch upon briefly. We are now trying to enforce the pure food law in a way that the consumer will get what he pays for, so that when food products are adulterated with any product that is unhealthful they cannot be sold. If they are adulterated in a way that is not harmful but simply as a matter of fraud, then they can be so labeled that the consumer can know what he is getting. The law is being enforced to the fullest extent, and the dealers in the State of New York are required to comply with it strictly, excepting in cases where the line of demarcation is not clearly drawn. We are having difficulty to draw that line. To illustrate, on the question of preservatives, which is a mooted question, as we know, here today, the legislature of the state of New York endeavors to do what we believe to be at all times to the interest of the food purchaser. Along that line, with that motive in view, a few years ago, it passed a law providing that no preservatives except salt in butter and cheese, spirituous liquor in cheese or sugar in condensed milk could be used in food products. We brought actions, and they were appealed and went to the court of last resort, and that court said the law was unconstitutional and we could not prohibit the putting of preservatives into food products unless we could show they were harmful. That case is reported in 169 New York Court of Appeals. So today the line of demarcation that is drawn in the state of New York is this, and it is a very essential proposition: We can stop the use of preservatives when we show that they are harmful, and not until then; so we are waiting patiently upon the proposition of what the doctors shall say is harmful and what is not. It does not lie with the executive officers. We have stopped the sale of oleomargarine in imitation and semblance of butter in the state of New York, when it imitates butter in color so that it deceives the sight, one of the senses. The question has been raised, Can they sell it when it smells and tastes like butter, another deception that tends to deceive the other two senses—the sense of smell and the sense of taste. The first one, the sense of sight, has been tested, and the court of appeals says that the law was intended to prohibit the sale of butter in imitation by color. We are now on the way to the court of appeals with a case to determine the question whether we can stop its sale when it smells and



COMMISSIONER S. L. MAINS.

up we proceed to straighten them up by giving them a spanking. We co-operate with the other commissioners, especially in Kansas and Iowa. For instance, if our inspectors of creameries report manipulations of tests or the like of cream that has been received from Iowa or Kansas we immediately report that matter to the commissioner of those states, because the creamery business is an interstate business. I thank you. (Applause.)

President Emery: Honorable Sanford C. Dinsmore, State Chemist, Reno, Nev. (No response.)

Dr. G. P. Conn, President State Board of Health, New Hampshire. (No response.)

Dr. R. B. Fitz-Randolph, Chief Division of Food and Drugs, State Board of Health, New Jersey.

Dr. Fitz-Randolph: Mr. President and gentlemen, the food laws of New Jersey are placed for enforcement in the hands of the state board of health. In 1907 a revision of the food



tastes like butter. Up to date we have been whipped; the decision of the supreme court says the law was not intended to stop the sale when it smells and tastes like butter. It is now appealed to the court of appeals, and when that decision comes it will determine what the state of New York shall do on that question, and we are awaiting that decision. So the essential features of that law today are these, and they are being lived up to, namely, you cannot sell any goods that have a substance in them that is detrimental or unhealthy; but we cannot always determine that question. For instance, we do not know what coloring matters can be added. They have not determined that, I believe, at Washington, and we are still waiting for the doctors there. That is another feature of enforcing the law in the state of New York. But whenever in our law it is clear so that we know what we can do we are bringing actions and putting them before the courts, and the courts are sustaining us, and the legislature at all times is ready to give us whatever law is necessary for the interest of the public health.

That is what we are doing in New York. (Applause.)

President Emery: Dr. W. M. Allen, Food Chemist, Department of Agriculture, North Carolina.



DR. W. M. ALLEN.

Dr. Allen: Mr. Chairman, Ladies and Gentlemen—

I hardly know what to regard as the most salient features in the food control work of North Carolina at present. For several years our work has been largely educational, our greatest efforts having been to acquaint the dealers with the law and how to comply with its requirements.

By publishing the results of the analyses of samples in the department reports, as well as often in the daily press, many adulterated and misbranded products have been driven from the state. We have now, however, begun to report violations to the courts for prosecution.

Our greatest effort for the past year has been to see that all food products are not only labeled but that they are properly labeled. The regulations under the Food law require that a label must be, as far as possible, attached to each package, and contain the name of the material and the name and address of the manufacturer, importer or jobber. When the words "Artificial," "Imitation" or "Compound" are required, they must be on the principal label and immediately precede or follow the word or words they modify, and be in at least half the size type. If a product is not labeled, all

kinds of misrepresentations can and will be made by dealers to consumers. Oleomargarine and renovated butter would be sold for creamery butter; all kinds of products would be sold for vinegar; compounds would be sold for Porto Rico molasses, and various other products would be misrepresented to consumers, but to the inspector the truth would be told.

The regulations require that dealers, while offering food products for sale, must keep the label so that it may be seen by the purchaser and so that it will remain legible.

When our inspector finds a product that is not properly labeled, he seizes and holds it until it is labeled according to the requirements. During the past year about six hundred such seizures have been made, some of which were held for more than two months. This, of course, interfered with the dealer's business, which meant a loss to him, and much such experience usually makes a dealer more careful in his purchases. However, if a dealer persists in handling products not properly labeled, he will be prosecuted.

As the national law does not require all products to be labeled, we have had a good deal of trouble to get certain products, such as molasses, syrups, etc., and their compounds, properly labeled, but when a cargo has been held up for a month or more, the dealer is not likely to be caught a second time. This process is about as effective as the courts. It is a quicker process and a much less expensive one to the department.

So far our prosecutions have been for actual adulteration, such as the addition of oleomargarine or other fat to butter, water to milk, or the sale of imitation or compound vinegar for the real article.

President Emery: Dr. E. F. Ladd, Food Commissioner and Chemist, Agricultural College, North Dakota.



DR. E. F. LADD.

Dr. Ladd: Mr. Chairman, Ladies and Gentlemen—Among the most important features in the enforcement of our North Dakota law during the past year has been the educational campaign which we have carried on from the time our law was first enacted. I consider this of first importance, that is to educate the public, to gain their confidence, and in this work we have had the support of the women's federation, the women's clubs and all the women organizations of the state. They have been our first supporters in creating a public sentiment and in securing legislation. We have also had the support of the retail grocers' association, of the wholesale grocers' association and of the druggists' association of the state. We have carried on this educational campaign believing it is preferable to prosecution, for we have found that 95 per cent of the dealers are anxious to do right when



they once know what is required. Therefore, during the present year we have had but five prosecutions and thirteen during the preceding year, and the average each year since our law went into force has been eleven. In fact there have been about as many cases brought against me as commissioner as I have brought against the dealers in the state—that is, I mean by parties outside of the state. Now I consider this educational work one of the most important features of our work in North Dakota. Our law is not dissimilar to the national law; in fact, it is very similar, except in those points where the national law is silent or you are not able to determine or there is a difference of opinion as to what is meant. When it speaks of harmful preservatives our law is specific. It says what shall not go into the food. And then it further specifies that all products be sold under labels which will show the true weight and measure. And here is one of the greatest frauds we have had to contend with—short weight and short measure. We have a new law that is just in force in our state at the present time, and that is the sanitary inspection law. This, as has been said by Dr. Crumbine, of Kansas, I consider one of the most important features in our food and drug work. We have found a large number of slaughter houses in the state that it was necessary to close up, places unfit for the slaughtering and handling of meat. We have found it necessary to cause bakeries and other places to be cleaned up. We also have a new beverage law which went into force in July, driving out of the state all except pure whiskies and pure beverages of all kinds, because only those goods are recognized in North Dakota which conform to the requirements of the U. S. pharmacopeia; therefore those spurious products can not be legally offered for sale in the state.

I will not take more of your time now. (Applause.)

President Emery: Honorable R. W. Dunlap, Dairy and Food Commissioner, Columbus, Ohio.



COMMISSIONER R. W. DUNLAP.

Mr. Dunlap: Mr. President and Members of the Association—I believe I am the only commissioner present who was elected directly by the people, and whatever success or failure comes to my department I am entirely responsible for. I understand that there are some commissioners who are handicapped by having superior officers who will not allow them to do as they think best, but in Ohio the commissioner is elected by the direct vote of the people. Ohio has not adopted the national law, but, on the contrary, the federal people have adopted the Ohio law. The Ohio law, as you perhaps know, is one of the oldest in existence and I believe it is fairly, if not entirely, satisfactory to

the people of that state. We in Ohio endeavor to enforce the laws as we find them on the statute books. We do a great deal of prosecuting, and have lost only two cases in the past three years. The members have mentioned many of the things that they have done, things they have succeeded in doing, but I want to mention one or two things that I have failed to do in Ohio. I believe today there is a large amount of adulterated vinegar sold in the state of Ohio. I hope, however, that before my term of office expires that state will be rid of this fictitious stuff. I am indebted to the federal department for the able assistance it gave me in prosecuting a case recently in the city of Cleveland. We prosecuted a firm for selling adulterated vinegar which was low in only one particular, yet I was morally certain, my chemists were morally certain that it was not genuine cider vinegar, yet it was a difficult matter for the chemist to show conclusively that it was adulterated. We have, I believe, about succeeded in ridding the state of colored oleomargarine. Last week we received from one court in fines \$4,950. This amount was from a single county. I believe by the time the year is out Ohio will be rid of the colored oleomargarine.

Another thing I wish to mention is that there are a great many extracts on the Ohio markets today which do not comply with either the national or state law, and I am now trying to rid the state of these miserable and adulterated goods. We have during the past year done considerable in the enforcement of the drug law. During the last session of the legislature we had our drug law amended so as to correspond, I believe exactly, with the federal law, and during the past two or three months I have had the drug inspectors visit some of the large jobbers of the state and go through their entire stock, to obtain samples of all the patent medicines on the market and find out whether or not they were labeled correctly. I hope within the next thirty days to have a published report of that work, and when it is published I shall mail to each of you a copy. I believe it will be of great benefit to you in the enforcement of your drug law. (Time called.) (Applause.)

President Emery: Dr. J. C. Mahr, State Pure Food Commissioner, Oklahoma.

Prof. Edwin De Barr answered for Oklahoma and then addressed the convention.

Dr. Edwin De Barr, State Chemist of Oklahoma: Mr. President, I have the same complaint to offer that most fat men have this afternoon—the women are on their side. We have good food because our wives furnish us with good food. That is why they are on our side.

Mr. Dunlap from Ohio just mentioned some of the things we have been calling attention to. For instance, the vinegar question. We have had a great deal of trouble with not being able to force it out of the state entirely. We are troubled a great deal with Kansas City colored distilled vinegar products, St. Louis products and other products from other parts of the state, and the extracts are abominable, none of them being true that we have found yet, lemon and vanilla especially. I want to call attention to another thing we have just been doing in the drug inspection work. Dr. Mahr called on me personally to go over the state with the drug inspectors and assist them in their inspection work, and I must say that we had exceedingly good receptions wherever we went, and expressions of gratitude for the good work we have been doing. We found the wholesalers especially desirous of assisting us in every particular. They were kind to us. Where we found extracts and other things that were wrong we only had to call the attention of the dealers to them and they would lay them aside and call them in and pay for them. They had to do it in order to establish and carry on trade in other places. We do missionary work, and come right along after it to do police work. We are carrying that out quite fully. We have had trouble with renovated butter, especially with oleo in it, but that has disappeared from the market. Last May the last part of the month we telephoned to one of the great packing houses in that state that has been represented here this afternoon to send us a pound of butter, and we set it up in the window where the Oklahoma sun could shine on it for half a day and it stood up just as well as if no sun had been on it at all. I called the attention of the people to the fact that they must not sell that in the market, and after that you couldn't pick up a single pound of that kind of butter in the state. They expect, when we tell them these things through the commissioner, that the law will be enforced, and they obey us in every way. The



people of our state are in co-operation with us. Our law is identical with the national law in all particulars where it affects things that the national law is intended to accomplish, but things that are to be controlled locally, we have some separate laws on them. But none of them conflict with the United States law in any particular. We are entirely in harmony and sympathy with the people in enforcing these laws, and they are willing to go on and assist in making a better pure food law each year. The sale of adulterated products has decreased some 15 or 20 per cent since last January. That is the way our law is working when we put it in effect.

President Emery: Honorable J. W. Bailey, Dairy and Food Commissioner, Oregon. (No response.)

Honorable James Foust, Dairy and Food Commissioner, Pennsylvania. (Applause.)



COMMISSIONER JAMES FOUST.

Mr. Foust: Mr. President and members, I want to say that I come from a state that has 220,000 farms, and that the dairy interests of our state have never been aroused as they are at this time, and I am going to take up my five minutes in merely referring to some of the resolutions I have here, and at this time I will offer them without reading them, by briefly stating what they set forth.

One of the resolutions I am offering here at the request of the Pennsylvania state grange and the allied pure butter interests of our state, and I will turn it over to the secretary, and it will naturally go to the committee of which I seem to be chairman.

I have another resolution here that I am presenting myself, setting forth the many defects in the federal oleomargarine law. I might also state that their headquarters are opened up now in Philadelphia, and every dairy state will be asked to co-operate that we might cure these defects in the federal law. The word "knowingly" must be eliminated, and also the word "artificial." As it now stands, oleomar-

garine can be made by the use of ingredients or by the process of manufacture, and, under the regulations, or the classifications, rather, of the federal department, it is classed or taxed as uncolored oleo. Now, we want to compel oleomargarine that is colored, no odds how the color is produced, whether in the process of manufacture or by the ingredients, to be taxed as colored oleo, at 10 cents a pound; and we also oppose in Pennsylvania the reduction of the tax on colored oleo from 10 to 2 cents per pound as is contemplated by the oleomargarine interests as well as some of the authorities at Washington. I want to say also that the dairy interests of Pennsylvania have accepted the challenge of one of the members of the cabinet, and they are vigorously opposing the contemplated movement for a uniform tax of 2 or 3 cents a pound on colored and uncolored oleo. Pennsylvania dairy interests, or the farmers and dairymen, spent thousands of dollars and days and weeks of time in assisting in having the Grout bill passed, which provides for a tax of 10 cents per pound on colored oleo. In Western Pennsylvania, what is known as the Pittsburgh district, they are selling tons of colored oleomargarine there, and we have today pending about 300 cases, and they pay their fines, but they go on and sell it, and we are now endeavoring to stop it by injunction, and a great deal of the oleo is taxed by the federal government as uncolored, while it is as yellow as June butter, but the color is produced by the fat of Jersey and Guernsey cattle, by the use of cottonseed oil, and also by the process of manufacture, and the movement on foot now in our state is to so amend the federal oleomargarine law that these defects can be cured, and that all oleomargarine that is colored, no odds how the color is produced, if it is in imitation of any shade of yellow, that it be taxed as colored oleo. (Time called.) (Applause.)

President Emery: Unless objection is made, these resolutions will be referred to the committee on resolutions. They are so referred.

Honorable P. J. Gaskin, Chairman Board of Food and Drug Commissioners, Providence, R. I. (No response.)

Honorable Robert Wilson, Jr., Chairman Board of Health, South Carolina. (No response.)

Dr. A. N. Cook, Food Commissioner and Chemist, South Dakota.

The recent legislature of South Dakota enacted a new food and a new drug law which are practically identical with the national law on these subjects. The law further provides that the rules and regulations of the department at Washington shall be adopted as the rules and regulations of the new food law so far as applicable under the South Dakota law. All of the old law was not repealed and the commissioner still has power to make rulings not in conflict with the rulings at Washington, according to a recent opinion of the attorney general.

There are three factors in the matter of food control which at the present time are receiving the greater share of our attention. Immediately after the new law went into effect wholesalers began to ship into the state pickles and other foods containing alum and stating the fact upon the label, under the impression that alum was allowed in interstate commerce if its presence was proclaimed upon the label. I understand there is no direct ruling with regard to alum, but I am informed from Washington that "alum and other substances not specified are excluded from all foods by Food Inspection Decision No. 76." The commissioner has therefore issued a circular to the wholesalers and retailers in which a ruling is promulgated against alum in pickles and other foods and setting the date of February 1, 1910, subsequent to which pickles or other foods containing aluminum salts may not be sold in the state without contest.

The second factor which I wish to mention is the matter of bleached flour. We have perhaps a hundred flour mills in South Dakota. Complaint having been made by millers in different parts of the state that various competing millers were bleaching flour in direct disobedience to the rulings of the commission and the decision of Secretary Wilson, a circular was sent out stating that the above ruling would be enforced and warning millers against bleaching.

The third factor demanding special attention is the sale of rotten eggs. The commissioner recently had a meeting with some of the leading wholesalers of eggs in the state and as a result an endeavor will be made to do something



for the situation. A ruling has been issued requiring all eggs in the market to be bought and sold subject to candling.

An earnest effort will be made to enforce these three points and it is anticipated that it may be necessary to institute some prosecutions before snow flies.



DR. A. N. COOK.

President Emery: Dr. Lucius P. Brown, Food and Drug Inspector, Director of Laboratory, State Board of Health, Tennessee.

Dr. Brown: Mr. Chairman and Gentlemen—I beg to say that I occupy a dual capacity in my state. I am not only the state food commissioner but the state chemist. I am an appointee of the governor, and there is nobody above me, so that, as Mr. Dunlap has said, whatever defects or virtues there may be in the work in Tennessee I am alone responsible for. The governor is my only superior, and his only suggestion to me has been to keep the office out of politics, which has been done.

Our law in Tennessee is practically the same as the federal law. We believe both laws were passed for the benefit of the consumer and for the consumer only, and we have been endeavoring to enforce them in that spirit.

The dealer and manufacturer, when he shows a spirit of desire to obey the law and reasonable regulations thereunder, has been treated with that courtesy and justice which is the due of every honest man. Where such disposition has not

been shown, prosecutions have been freely brought. Like some others, I know of no royal road to secure compliance with this law. Human nature is very much the same the world over, and I know of no class having a monopoly of virtue. We are somewhat hampered in our work by lack of funds, but the last legislature materially increased our appropriation, and thereby lifted the office out of the purely ornamental class. I will not dwell upon the particulars of the enforcement of the food law, because I take it they are very much the same as everyone else here has encountered, and my experience would be of no special value to you.

Quite as important as the pure food law itself, and in reality of much greater importance to the public health, is the uniform sanitary law recommended by the committee appointed at Mackinac, which was quietly put through our legislature by a few of us during the last session. It went into effect at once, and we have been able to accomplish a very great deal within the past ninety days, which is about the time the law has been in effect.

As you all know, sanitation is of much more importance, probably, to us in the South than it is to you who live in more northern climates, and anything, therefore, which promotes sanitation is for the benefit of the consumer.

One of the chief things, however, which to my mind has been accomplished by this law is the great opportunity given to us of calling public attention to the power for good that rests in this sanitary law and the food law. A further consideration has been its great aid to the cause of education, which is our great desideratum in Tennessee, as in most of the other states.

The fly campaign has been vigorously pushed wherever possible, and that also has been of no little help to better public knowledge of hygiene and sanitation.

And in that connection I want to call your attention to the fact that we have reproduced the same poster which Dr. Crumbine showed to you. We have gone him one better, we have printed it in colors, and within the last few weeks—few days, as a matter of fact—the merchants' association in our capital city, Nashville, has taken this fly campaign up and has posted the city with 5,000 of these and is employing other methods of calling public attention to the fly nuisance, and in that way we have been able to call public attention to it very materially.

Another thing I want to do while I am on my feet is to acknowledge our indebtedness to the woman's associations. I find that this is universally true in the enforcement of these laws, and as a matter of fact it is necessary for, after all, the women are the purveyors for the household, and if they do not support the laws the laws will not be supported.

All together, gentlemen, we feel that we are making an impression in Tennessee. The cultivation of public sentiment is necessarily slow, but we are growing. We still have far to go, but earnest endeavor and heartfelt interest are making themselves felt.

I thank you for your attention. (Applause.)

President Emery: Honorable J. S. Abbott, Dairy and Food Commissioner, Texas. (No response.)

Honorable Willard Hansen, Dairy and Food Commissioner, Utah

Mr. Hansen: Mr. Chairman, Ladies and Gentlemen—In Utah we have had a pure food law for ten years, and its operation has been good, but the legislature until recently has not recognized us with but very little money, but here this last year they have given us a fair appropriation and we are getting down to good work, and I can say that in taking hold of the state here a few months ago I found the food conditions in fair shape as to labels and pure food being served in our state, especially in canned goods, but the sanitary condition of our dairies and restaurants, etc., where food is served or prepared for sale, is attracting our attention at the present time. We have adopted the Government score-card system, which is working very nicely, and the people are accepting it all right, and we hope to get our state up to a better standard along these lines, as I feel that sanitation is one of the most important factors of our pure food law. Our law is similar to the Government law, and we accept all Government rulings and we even go a little further than our Government law. We have no complaint to offer concerning our laws whatever.

I thank you for your attention. (Applause.)





COMMISSIONER WILLARD HANSEN.

President Emery: Honorable H. D. Holton, Secretary State Board of Health, Vermont. (No response.)

Honorable William D. Saunders, Dairy and Food Commissioner, Virginia.

Mr. Saunders: Mr. President, Ladies and Gentlemen—Our state, strange to say, has only had a dairy and food commissioner now for just a little more than a year. Our legislature of 1908 passed a law creating the office of dairy and food commissioner, and this office was formally opened June 1, 1908. Prior to that time, however, the chemical division of the agricultural department did food work, but did not have the necessary legislation to bring prosecutions for violations. Our law provides for the inspection work of dairies, creameries, cheese factories, bakeries, ice cream saloons, hotels, restaurants, and also deals with the misbranding and adulteration of foods and feed stuffs. The first year of the administration of the dairy and food laws found many of our people unknowingly violators of the same. For the most part our people, whether manufacturers, dealers or dairymen, while in full sympathy with the law, have made such changes as were suggested in branding, mixing and otherwise dealing with the matter of compliance with the law. Prosecutions, with a very few exceptions, have not seemed necessary. Our dairymen, while for the most part not equipped according to the modern sanitary requirements, have shown a disposition to improve their barns and to change their methods of handling their products so as to meet, as far as possible, the requirements which have been made. Our work in food lines has dealt with vinegars, extracts, proper weights of flour and meal and the branding of feedstuffs, the adulteration of feedstuffs. We have also taken up the matter of the coal tar dyes not allowed by the federal law. Examination of milk, cream, butter and oleomargarine and ice cream has also been taken up to a more or less extent. We are expecting at the next meeting of our legislature, which assembles in January, to go over our law and change it in such ways as may seem to us after our two years of experience best for all parties. We expect to use the federal law for the most part as our guide.

I don't think there is anything more that I can say that will interest you gentlemen, and as the time is getting late, I will thank you for your attention. (Applause.)

President Emery: Honorable L. Davies, Dairy and Food Commissioner, Washington.

The response of Washington was made by Mr. Ernest Kelly, Deputy Dairy and Food Commissioner of that State, and is as follows:

In the limited time allowed for the discussion of this subject, it will only be possible to mention briefly the points on which we are laying special emphasis in the fight for pure foods, drugs and dairy products in the state of Washington.

This year we are working under more advantageous circumstances than ever before; the last legislature of our state, aroused to the vital importance of this crusade, increased the force of the department so that now, the commissioner has six deputies under his direction instead of three. In addition to this, new laws pertaining to the purity of dairy products were passed, so that the commission has a more definite basis on which to work.

Our food laws are patterned after the Federal Pure Food law, and the commissioner of the state has made his rulings to coincide with the Federal rulings, believing that less confusion ensues and better results can be obtained by so doing. The department has one deputy who devotes his entire time to the inspection of meats, foods and slaughter houses. He is a man of wide experience in all branches of the meat business, and just now, during the hot season, is carrying on a strong campaign against the use of preservatives in chopped meats. During one week of this month, ten meat dealers have pleaded guilty on this charge and have paid fines.

There is also a drug deputy, a registered pharmacist, who spends all of his time inspecting the drug stores of the state. In this work, as well as in the execution of the food laws, the Federal rulings are followed as closely as possible.

The dairy laws of the state may be divided into two classes—those concerning the chemical standards, and those far more important ones pertaining to the sanitary production and handling of dairy products. All cities of the first class are required to have city milk inspectors, and the state inspectors make frequent tests on the market milk of the various smaller cities and towns. Close watch is also kept on the butter markets all over the state to prevent the fraudulent sale of oleo or renovated butter.

Four dairy deputies devote their time to this work, and to the inspection of dairy barns, creameries, condensaries, etc., from a sanitary standpoint. Realizing that the dairy industry is still in its infancy in our state, and that there are unlimited opportunities for its progress in a country so well adapted by soil and climate, the department strives to make a specialty of instruction work. We believe that the vast majority of unsanitary conditions on dairy farms are due to ignorance, and wherever the inspectors go, they lay special stress on the educational side,—not only in sanitation, but as regards construction of farm buildings, care and feeding of cattle, etc. It is an axiom, born of experience in the department, that the inspector who meets the dairyman as a friend, rather than as an officer of the law, gains respect and secures more permanent results. Of course occasions will arise when, on account of obstinacy, severe methods have to be used. In dealing with cases of adulterated milk, or other dairy products, immediate prosecution is resorted to.

To further carry out the educational campaign, the State Dairy and Food Commission is operating a "Model Barn" and milk house at the Alaska-Yukon-Pacific exposition. This barn was erected by the State A. Y. P. E. committee, and is intended for a demonstration of sanitary barn construction, and the care and handling of clean milk. One side is built of wood, showing a cheap, sanitary construction, while the other is of concrete with iron fittings. Thus the farmer may see both methods of construction, and suit his buildings to his pocketbook and needs. Eight cows, representative of the prominent dairy breeds, are installed in the barn, and are cared for and milked by most approved methods. Though it is in no sense a competition of breeds, daily records are kept of the amount of feed consumed, pounds of milk given, and the per cent of fat and casein, thus showing the visiting farmers the ease with which the unprofitable cows are discovered and weeded out. A bulletin entitled "Practical Hints for Progressive Dairymen" has been issued, and is distributed to the many dairymen who daily visit the barn.

Also the department co-operates with the state college in sending speakers on the various Institute trips. Furthermore, we are planning to carry on farmers' meetings in many of



the milk and cream centers not reached by the regular Institutes.

The dairyman needs help and encouragement, and our laws operate to protect him as well as the consumer. The honest producer is protected by prosecution of his dishonest competitor, and by the enforcement of the laws which require the labeling of imitations which are sold in competition with farm produce. The consumer is protected by laws which give him clean, honest products for his money. Rapid progress has been made, but still greater advancement will come when the consumers awake to the importance of clean foods, and are willing to pay for goods which require more care and expense to produce.

President Emery: Honorable James O. Thompson, Secretary State Board of Agriculture, Charleston, W. Va. (No response.)

Honorable E. W. Burke, Dairy, Food and Oil Commissioner, Wyoming.



COMMISSIONER E. W. BURKE.

Mr. Burke: Mr. President, Ladies and Gentlemen. To give you some idea of how the food work is carried on in the state of Wyoming, the first proposition lies in the open door, publicity, personal work, co-operation with the Government, and a strict enforcement of the law.

In the first place, I call your attention to this open-door proposition. We have a food board in Wyoming that meets once a month. When any action is proposed by our department the defendant is given a show to defend himself before any complaints are filed. In the personal work, I attend to that myself, I make all the collections there and attend to my own office work, therefore I know what is done. In taking up the personal work I don't work entirely with the man who owns the store. I am just as much interested in the man who sells the goods, or more so, than the man who owns the store. He is the man that handles the product.

In regard to co-operation with the Government, there are some things that I cannot quite reach the Government law on, but I have tried to get within their rulings as fast as possible, as I feel a good deal like a good many of the commissioners who have spoken today—the nearer we get together on our rulings the better for all concerned.

In the enforcement of the law we keep a good book and a bad book in our state. Those we think are trying, my heart is with them; those who I think are trying to get away from our laws, I don't at any time let them down with less than \$50 and costs, which is the lowest possible fine in the state of Wyoming.

I do not aspire myself to being a public speaker. I came down here merely to help my neighbor out, the Honorable Wilbur F. Cannon, and to give you that hearty Western shake of the hand which I am in hopes none of you will never forget. I feel a good deal like he does—I believe that if our Honorable Secretary of Agriculture will call the commissioners of the several states to Washington and have a housewarming once in a while it will result in a great deal of good and we could come to a better understanding.

I thank you for your attention. (Applause.)

President Emery: Owing to the entertainment and excursion that is offered for tomorrow, unless there is objection, the address of Dr. Ladd and of Dr. Barnard, scheduled for Wednesday, August 25, at 9:00 a. m., will be given in the evening in this room at 8:00 o'clock. What time will the excursion likely return to Denver?

Mr. Cannon: Unless there is an accident or wash-out I think you will be back about 6:00 o'clock. That is the intention.

(Directions by Mr. Cannon concerning excursion trip.)

Mr. Jones (Illinois): Mr. President, it was announced there would be a couple of addresses tomorrow evening. Will there be any other business transacted?

President Emery: Not that I know of.

Mr. Bird: Mr. President, may I beg the indulgence of the convention just one moment? Dr. M. A. Scovell, who has been an earnest worker in this movement for many years, is stricken at his home, a surgical operation having been performed upon him a few days ago, and he is in grave danger of not recovering. Dr. Scovell is also president of the association of agricultural college and experiment station workers—I may not have that just right—and because of these facts I move you the adoption of the following resolution:

**"RESOLVED, THAT THE ASSOCIATION OF STATE AND NATIONAL FOOD AND DAIRY DEPARTMENTS EXPRESS TO DR. M. A. SCOVELL ITS SYMPATHY IN HIS PRESENT STRICKEN CONDITION; AND IT AUTHORIZES ITS SECRETARY TO MAKE KNOWN TO HIM THE EARNEST HOPE AND PRAYER OF THIS ASSOCIATION FOR A SPEEDY RECOVERY AND FOR HIS RESTORATION TO HIS GREAT WORK IN BEHALF OF THE PEOPLE OF HIS STATE AND HIS COUNTRY."**

President Emery: The question is on the adoption of this resolution as offered by Mr. Bird. Are you ready for the question?

(Question called for.)

The motion was thereupon put by the Chair and carried unanimously.

Mr. Briggs: Mr. President, I did not understand this about tomorrow evening.

President Emery: In reference to tomorrow evening, I will make it plain if I can. The program that is assigned for tomorrow morning, Wednesday, August 25, will occur at 8:00 o'clock this evening.

Mr. Briggs: And there will be no other business transacted excepting—

President Emery: None that I know of.

Mr. Briggs: I move you, then, that there be no other business. (Seconded.)

The motion was thereupon put by the Chair and carried unanimously.



Secretary Allen: Mr. President, I wish to make this motion to relieve the situation—that a committee consisting of Mr. Kracke, Dr. Bryan and Mr. Wright be appointed a committee of publication to take up last year's proceedings and this year's proceedings and publish the same within the constitutional limits of the association if they think necessary, but to report to this convention, before it adjourns, everything connected with the proceedings of last year and this year and plans for publication.

President Emery: Have you that resolution written?

Secretary Allen: I have. (Reads same.)

Motion seconded and carried unanimously.



EVENING SESSION.

8:00 O'CLOCK.

President Emery: The association will please come to order. The program for Wednesday forenoon was postponed until 8:00 o'clock this evening. It is now three-quarters of an hour past 8:00, and we will proceed with the program. I will call on Dr. Ladd for an address on "A Model State Food Law."

Dr. Ladd: Mr. President, ladies and gentlemen of the convention: It is my purpose this evening simply to take up the salient features of the bill as tentatively prepared by the committee at their meeting and to point out some of the features in this bill in comparison with those of the national law, and to discuss a few features that may be of interest.

#### THE MODEL FOOD LAW BILL.

By E. F. Ladd, Food Commissioner and State Chemist for North Dakota.

While there has been a great deal of discussion during the past few years with regard to the necessity of uniformity among the State laws, no definite action, as far as I am aware, has ever been taken until the meeting of the Association of State and National Food and Dairy Departments at their annual convention held at Mackinac in 1908. For a long time the members of the Association had felt the necessity for some action on its part looking towards uniformity of state food laws as far as possible for two reasons: First—To produce simplicity and for the convenience of the trade. Second—That the Association might put a stop to the complaint of manufacturers of the burdens which were placed upon them by being obliged to comply with the laws of so many states each different from the other. In the judgment of the writer, however, the differences between the laws of the several states are not nearly as great as some of the manufacturers would have the general public believe. Nevertheless, at the meeting of the Association in 1908 the following resolution was passed:

"THIS ASSOCIATION FURTHER PLEDGES ITS EVERY EFFORT TO FORMULATE WITHIN THE COMING YEAR A FOOD BILL FOUNDED UPON THE DETERMINATIONS OF THE JOINT STANDARDS COMMITTEE WHICH FOOD BILL SHALL BE FORMULATED WITH A VIEW TOWARDS UNIFORM REQUIREMENTS THROUGH THE SEVERAL STATES.

"THIS ASSOCIATION ALSO PLEDGES ITS BEST SERVICES TOWARDS SECURING EFFECTIVE CO-OPERATION BETWEEN THE FOOD DEPARTMENTS OF THE SEVERAL STATES IN THEIR EFFORTS TOWARDS SECURING OF SUCH UNIFORMITY.

"RESOLVED, THAT THIS ASSOCIATION HEREBY AUTHORIZES AND DIRECTS THE PRESENT PRESIDENT OF THE ASSOCIATION TO APPOINT A COMMITTEE OF SEVEN OF WHICH HE SHALL BE THE CHAIRMAN, TO PREPARE A MODEL STATE FOOD BILL, THE DETERMINATIONS OF THE JOINT STANDARDS COMMITTEE TO BE USED AS A BASIS OF FACTS IN THE PREPARATION OF SAID BILL."

Acting under the instruction of the Association, as expressed in its resolution, the following committee were named to formulate a Model Food Bill:

E. F. Ladd, North Dakota, Chairman.  
M. A. Scovell, Kentucky.  
R. A. Pierson, New York.  
A. C. Bird, Michigan.  
Jas. Foust, Pennsylvania.  
R. M. Allen, Kentucky.  
W. D. Bigelow, Washington, D. C.

Some preliminary work was done through correspondence, but this was rather slow and tedious. A meeting of the committee was called to be held in Washington, Nov. 17th and 18th, at which time there was outlined the draft of a bill. In formulating this bill the committee kept in mind the provisions of the National Food law and this without at any time ignoring what has seemed to them the weaker features of the National law. In all of its main features the proposed bill follows the National Food law giving the construction placed upon it as expressed by the members in their consideration of this measure.

At the outset I would have it distinctly understood that, as chairman of the committee, in making a report at this time, what I say is my personal expression and not necessarily the views of the individual members of the committee. Having been asked to present the subject of the Model Food Law bill, I have discussed it from the standpoint as I see the measure and the necessity for it.

It did not seem wise to include in this bill, at this time, the Guarantee Clause of the National law, for it seemed to be the consensus of opinion among the members of the committee, when the matter was under consideration, that it was questionable whether this feature could be successfully incorporated into the state laws since many articles of food products are produced outside of the state and shipped into the state. Again, at that time, the decision in the Pennsylvania case left it a question as to how far the states might go with safety in introducing a clause of this kind without rendering the Act unconstitutional.

The proposed bill has not been printed as given.

It has been repeatedly stated that the proposed Model Food bill differed so essentially from the National law that it



should not be passed by the states. I, therefore, propose at this time to compare section by section and clause by clause the provisions of the two measures, and see wherein the one differs from the other.

The proposed measure defines food in Section 2 thus:

"That the term 'food' as used in this Act shall include every article used for, or entering into the composition of, or used or intended for use in the preparation of, food or drink for man or domestic animals."

The National law thus defines the term:

"Food, as used herein, shall include all articles used for food, drink, confectionery, or condiment by man or other animals, whether simple, mixed, or compound."

It will thus be observed that the two provisions are essentially the same; the proposed State bill being more definite perhaps than that of the National law.

Section 3 of the proposed bill conforms to the food provisions of Section 7 of the National law.

Clause 1 of the State bill reads:

"If any substance be mixed or packed with it so as to reduce, or lower or injuriously affect its quality, strength or purity."

Clause 1 of the National law reads:

"If any substance has been mixed and packed with it so as to reduce, or lower or injuriously affect its quality or strength."

The wording is essentially the same.

Clause 2 of the proposed State bill reads:

"If any substance be substituted wholly or in part for the article."

The National law reads:

"If any substance has been substituted wholly or in part for the article."

The two being identical.

Clause 3 of the State bill reads:

"If any valuable constituent of the article has been wholly or in part abstracted; or if the product be below that standard of quality, strength or purity represented to the purchaser or consumer."

The National law reads:

"If any valuable constituent of the article has been wholly or in part abstracted."

This is identical with the State law as far as it goes, but the State bill makes the additional provision:

"Or if the product be below that standard of quality, strength or purity represented to the purchaser."

Experience has shown that this additional provision should be made and it does not differ materially from the requirements of the National law, but makes it clear that if food products put up under a label are below the standard or quality, or strength or purity as represented, they come clearly within the provisions of this clause.

Clause 4 of the proposed bill reads:

"If it be mixed, colored, or changed in color, coated, polished, powdered, stained or bleached whereby damage or inferiority is concealed, or so that it may deceive or mislead the purchaser or consumer, or if by any means it is made to appear better or of greater value than it is, or if it is colored or flavored in imitation of the genuine color or flavor of another substance."

The National law reads:

"If it be mixed, colored, powdered, coated, or stained in a manner whereby damage or inferiority is concealed."

It was the opinion of the committee that this clause should be so modified as to make its meaning perfectly clear with regard to the matter of coloring, bleaching, polishing, staining, etc. However, its purport and meaning are identical with the intent of Clause 4 of the National law.

Clause 5 of the State bill reads:

If it contains any added boric acid or borates, salicylic acid or salicylates, benzoic acid or benzoates, formaldehyde, sulphurous acid or sulphites, hydrofluoric acid or fluorides, fluoroborates, fluosilicates, or other fluorine compounds, dulcin, glucin, saccharin, caffeine, betanaphol, hydronaphthol, abrostol, asaprol, oxides of nitrogen, nitrous acid or nitrites, compounds of copper, pyrolingneous acid, or other added ingredient deleterious to health.

The National law reads as follows:

"If it contain any added poisonous or other added deleterious ingredient which may render such article injurious to health: Provided, That when in the preparation of food products for shipment they are preserved by any external application applied in such manner that the preservative is necessarily removed mechanically or by maceration in water, or otherwise, and directions for the removal of said pre-

servative shall be printed on the covering or the package, the provisions of this act shall be construed as applying only when said products are ready for consumption."

The essential difference between the proposed state bill and the national law is in the fact that, as experience has taught every state a provision which simply says, "if it contain any added poisonous or other added deleterious ingredient which may render such article injurious to health," leads to more or less unnecessary litigation, and in the endeavor to be specific it has seemed to your committee that there is no reason why there should not be stated in the statute itself the names of the preservatives and chemicals which are to be prohibited, and then to add in substance the words of the national law, "or other added ingredients deleterious to health."

It is true that the manufacturer of foods decries this provision as unholy and unfair. In other words, it deprives the dishonest manufacturer, his attorney and hired chemist, from longer coming into court and by subterfuge, false and misleading evidence and deceptive logic defeating the purpose of the law and, at the same time, prevents him from putting on the market a lot of spoiled products as foods.

A statute which specifically states the names of the ingredients that shall not be used is more readily understood and followed by the honest manufacturer; and the honest manufacturer of food products is entitled to the same consideration as the consumer in drafting a measure of this kind. We must also keep in mind the necessity for protecting the consumer against the devices of the dishonest food producer, or one who would utilize decayed, decomposed and refuse products as articles of food.

Into this clause has also been thrown a provision with regard to candies or confectionery found in the national law under the provisions for confectionery, and it is not essentially different from that of the national law. In the state bill this clause also provides for the use of common condimental products used in the preparation of foods.

Clause 6 of the national law is as follows:

"If it consist in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal or one that has died otherwise than by slaughter."

The proposed state measure is as follows:

Sixth. If it consists of or is manufactured in whole or in part from a diseased, contaminated, filthy or decomposed substance, either animal or vegetable, or any animal or vegetable substance produced, stored, transported or kept in a condition that would render the article diseased, contaminated or unwholesome, or if it is any part of the product of a diseased animal, or the product of an animal that has died otherwise than by slaughter, or that has been fed upon the offal from a slaughter house, or if it is the milk from an animal fed upon a substance unfit for food for dairy animals, or from an animal kept and milked in a filthy or a contaminated stable, or in surroundings that would render the milk contaminated.

This clause contains two provisions found in other parts of the national law, somewhat differently worded, and is even more liberal with regard to putting upon the market other products,—compounds, etc., than the national law. The first part of the clause is essentially the same as the national law.

In the state bill the provisions for misbranding are separate from the other parts and placed as Section 4. An article shall be deemed as misbranded:

"If it be an imitation of or offered for sale under the name of another article."

The national law reads:

"If it be an imitation of or offered for sale under the distinctive name of another article."

The only difference being in omitting from the state bill the word "distinctive," as misleading and liable to lead to confusion in placing construction upon the act.

Clause 2 of the state bill reads:

"If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package."

This is identical with the first part of a provision of the national law, but the national law differs in that it makes provision for the labeling of food products which contain certain habit-forming drugs or injurious substances. The Model State bill would exclude these products entirely by further provisions of the act, as not being articles of food.



Clause 3 of the state bill reads:

"If the package containing it or its label shall bear any statement, design or device regarding the ingredients of the substances contained therein, which statement, design or device shall be false or misleading in any particular."

Clause 4 of the national law, under misbranding, is identical with Clause 3 of the state bill.

Clause 3 of the national law, with regard to weight, is placed under another section in the state law.

Under the provisions of Insufficiently Labeled, Section 5, the Model Food bill provides:

"First: If every package, bottle or container does not bear the name of the real manufacturer or jobber and the true grade or class of the product and the true net weight or volume of the contents or the capacity or trade size of the container."

The national law, on the other hand, reads:

"If in package form, and the contents are stated in terms of weight or measure they are not plainly and correctly stated on the outside of the package."

The national law does not make it necessary for the manufacturer to state the amount of the contents or of the grade or character of the contents. There is no question but what this provision is an important one, and in this respect the proposed state law differs from the national law, not on purpose, but in so far as it makes it mandatory for the manufacturer or jobber to show truthfully the name of the manufacturer, the weight or measure contained, and the true grade or class of the product. This provision, if enforced, would make it necessary for those who put up products in sealed cans, or otherwise, to show what grade or class they represent, and this truthfully. If their canned tomatoes are largely waste products, slops or added water, the label must truthfully show it; or, if their tomato catsup is factory refuse, skins, cores, or decayed or green products, filled with the elements of ferment, the public must be so informed.

The last words, however, of this clause seem unfortunate to the writer, where it says, "or the capacity or trade size of the container." It is questionable whether in fact this would have the desired effect, for, instead of giving the exact size, I am inclined to think that it would lead to misleading statements where fifths, trade quarts, ten-cent packages, etc., would be legalized, rather than condemned. Observations of the writer lead him to believe that these last words should be modified or wholly removed.

Following the provisions which I have already considered, comes Section 6 of the proposed state bill. This includes the food standards as formulated by the joint standards committee of the association of official agricultural chemists and the association of state and national food and dairy departments.

One of the strongest criticisms which has developed thus far is that no provisions have been made for changing or modifying the standards as experience may indicate. Several manufacturers have stated that they would leave out all reference to food standards and give the commissioner authority to adopt or fix standards. Would not such a provision, authorizing the food commissioner to fix standards, tend to confusion? Would not the commissioner in each state be led to adopt or fix standards to meet the peculiar conditions of his own state and its law without regard to harmony with the expression of food decisions in other states? Is it not more desirable to introduce into the statute the standards themselves so that every manufacturer shall know what the minimum standard is for his products and thus be enabled to meet the conditions? There might then be made provision, in the statute for the food commissioner to modify or change the standards as necessity arises, providing due notice is given the public. The question has been raised as to whether either of these provisions would be constitutional. In the light of decisions made by the supreme courts of the several states, as well as by the supreme court of the United States, it would seem, that if the clause be properly drawn and safeguarded, it would not necessarily be unconstitutional.

With a general uniform food law, such as has been indicated, for the several states, it would then be an easy matter to formulate rules and regulations which would be in harmony with those of other states so that no difficulty would arise in an attempt, on the part of the manufacturers, to comply with the requirements without, as they maintain, preparing special products for the different states. Even under existing laws, the efforts which have been put forth in the middle west and northwest in formulating labels, rules and regulations have clearly shown that it is possible with the great majority of food products to so adjust matters that

the manufacturers may use the same label in at least eight states where food laws are now in force without any change or modifications for the different states. How much easier would it be, with uniform laws, to make such rules and regulations than it is at the present time when the several food laws are so widely different in some of their main features? (Applause.)

President Emery: We will next hear from Dr. H. E. Barnard on "Sanitary Inspection of Food Production and Distribution." Dr. H. E. Barnard, of Indiana.

Dr. Barnard: Mr. Chairman—The Department of the State Board of Health of Indiana, with which I am connected, has recently completed its second year of work under the Food and Drug law which went into effect in 1907. The law has been enforced with greater ease this last year than during the first year it was in effect, because of the more intelligent idea of the purpose of the law entertained by the manufacturing and retail trade; because of the greater efficiency of inspectors and chemists and especially because the consumer is constantly becoming more interested in pure food work and consequently more insistent upon knowing the character of his food supply and the conditions under which it was made. Not only has the percentage of adulterations of food and drugs dropped perceptibly during the year just passed, but it is becoming more and more difficult to find samples that may even be suspected of fraudulent adulterations.

During the last fiscal year 2,037 samples of food products purchased from stock by inspectors and sent in for examination by health officers, dealers or customers, were analyzed. Of this number 1,733 samples were found to be pure and properly labeled and 304 either adulterated or misbranded. This is equivalent to a percentage of adulteration of 14.9. In 1906 the percentage of adulteration was 42.3, in 1907 20.8. The record of last year shows, therefore, a decided improvement in the general character of food stuffs sold in the state. The improvement in the quality of the goods and the uniformly honest labeling may largely be attributed to the passage of State and Federal Pure Food laws. Before these laws were passed dealers were, no doubt, just as honest as at present, but they had little opportunity to learn the true character of the products they were handling, and in many instances resorted to morally unfair and dishonest methods to meet cheap competition, while the consuming public was indifferent as to the character of its food, and looked to price rather than to quality.

It is not possible to judge of the efficacy of the Pure Food law by referring to the list of convictions or estimating the fines assessed; nor is it advisable to employ such a method of arriving at the value of the law. Prosecutions are brought as a last resort. When all other methods of securing compliance are ineffectual, it then becomes necessary to make use of that section of the law which provides for the punishment of offenders. Nevertheless, more than 200 cases were successfully prosecuted during the last fiscal year. It is worth noting that the only case depending upon essential features of the law which has been carried to the Supreme Court of the state was decided in favor of the law and the department. The case involved the prosecution of a dealer, who, by his agent, a young girl, sold oleomargarine, properly wrapped and labeled as provided in the rules of the Department of Internal Revenue, to an inspector in response to a request by him for a pound of butter. The defense contended, first, that the principal was not responsible for the act of his agent, and second, that the goods were marked to indicate what they were and that the purchaser was not deceived. The decision of the Supreme Court says in part—"a man may conduct a business himself or by clerks or agents, but if he chooses the latter, the duty is imposed upon him to see to it that those he selects to sell the article to the public obey the law in the matter of selling; otherwise, he, as a responsible proprietor of the business, is liable for the penalty imposed by the statute. The fact that the clerk had been given instructions to sell everything in the store for just what it was and to sell nothing for a substitute for something else, does not remove from the proprietor the responsibility and it seems clear that he should be held responsible for what he had done by another."

As our work has progressed we have become more and more impressed with the idea that food adulteration, as commonly understood, is of far less importance to the community than food sanitation and we have, therefore, given much attention during the year in our inspection work to the sanitary conditions surrounding the production and distribution



of the food supply. The proprietors of unsanitary restaurants, meat markets, bake shops and dairies have been more frequently compelled by force of law to improve the sanitary conditions of their place of business than to desist from serving oleomargarine for butter, beef sterin for lard, egg cake containing no eggs, or milk low in butter fat content.

More than 12,000 sanitary inspectors of food producing and distributing establishments were made during the year, and the value of intelligent, careful counsel of the proprietor by the inspector fully and completely established. (Applause.)

President Emery: This completes the program for the session, and a recess is declared until 9:00 o'clock Thursday morning.



WEDNESDAY IN THE MOUNTAINS.

## SECOND DAY OF CONVENTION.

Thursday, August 26, 1909, 8:00 O'Clock A. M.

President Emery: The association will please be in order.

Mr. McCabe: Mr. President, I move that at the close of the papers and after the report of the committee of this association on the report of the referee board has been received the members of the referee board be given an opportunity to answer any comments or criticisms or discussions that may be made of their report. (Seconded.)

President Emery: You have heard the motion as made by Mr. McCabe. Are there any remarks?

(Question called for.)

The motion was thereupon put by the Chair and carried.

President Emery: The first on the program this morning is a discussion of the report of the referee board of consulting scientific experts on sodium benzoate. We will hear from Dr. Ira Remsen, chairman, Referee Board of Consulting Scientific Experts, Baltimore, Maryland. (Applause.)

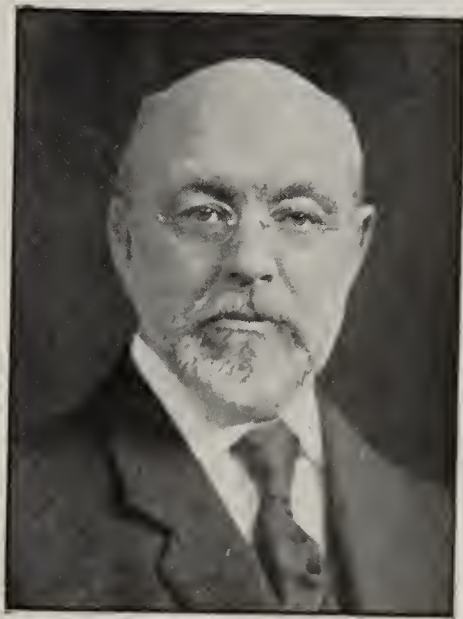
Dr. Remsen: Mr. President and gentlemen. The appearance of the referee board before you is the result of a courteous invitation received by me from your president. At first it appeared improbable that any member of the board would be able to be there, but when this became possible I suggested to your president that it would be well to have brief statements from all the members of the board who had anything to do with the work on the benzoate. Your president agreed to this, adding: "It is my understanding and that of the executive committee that the discussion by the members of your board will be limited to the experiments and report of the referee board on

benzoate of soda," and suggested one hour as the maximum time for the presentation of the four papers.

As my own work has been of less importance than that of the other three members of the board whose names appear on the program, I shall not take much of your time and shall confine myself to a few general remarks that may be of some assistance to you.

In the first place, it is clear to those who have carefully read the published report of our board that anything we can now say will be entirely superfluous. The report is elaborate, containing a large mass of data, and no one can fairly discuss the report who has not thoroughly familiarized himself with its contents. On the other hand, those who have not read and studied the report cannot be fully informed of its contents through the aid of three or four brief speeches. Here is an awkward and inevitable dilemma. Notwithstanding the awkwardness of the situation, the members of the board have felt it to be their duty to accept your invitation and to do whatever they may be able to do to throw light upon the problem before us. We are all, I take it, seeking the truth, and in the end the truth will prevail. So far as the referee board is concerned, I need hardly say that the members have taken up without prejudice the work they had assigned to them. They regard the problems that come before them purely as scientific problems which are to be solved, if solved at all, by scientific methods, certainly not by sentiment, by hysteria or by politics.

Now, gentlemen, what is this referee board? I might interject there the phrase that has been so much the subject of undeserved comment. What is this referee board? How did it come into being? What are its functions? Perhaps you already know, but at the risk of repetition of what is familiar, let me say that in the early part of the year 1908 President Roosevelt wrote to the president of half a dozen universities of the country saying that in the administration of the pure food law some difficulties had arisen and that it seemed desirable to call in the aid of a group of scientific men to pass upon such disputed matters. From



PROF. IRA REMSEN.

the first letter of the President the exact nature of the duties of the board to be appointed was not clear. Shortly after this I was invited by the President to call upon him and talk the matter over. At this interview he asked me to take the chairmanship of the board. I demurred, and indeed said that I did not want my name considered. He, however, urged me to accept, saying, "I want you to start the work; if



after it is under way you find that it takes too much time, or for any other reason you wish to give it up, you can withdraw." Now, there was apparently nothing left for me to do but to accept, and I did so. The President then turned over to me the letters he had received from the universities and asked me to select the members of the board, giving me free rein. I was not asked to confine myself to the list of those recommended, indeed I was told to disregard that list if I wished to do so. If the work was to be of value, plainly, the board must be chosen with the greatest possible care. Good men had been recommended by the universities, but I felt that it would be wise to get further advice, and I naturally turned to my colleague, Dr. William H. Welch, now president of the American Medical Association. We went all over the subject, and as a result submitted to the President the names of Drs. Chittenden, Long, Herter and Taylor.

The selections were at once approved by the President and the appointments were promptly made by the Secretary of Agriculture. In the meantime, at the President's suggestion, I had seen Secretary Wilson and talked over the situation with him, and since the appointments were made my dealings have been directly with the Secretary. In all my talks with the President and with the Secretary I have found but one desire, and that was to get at the truth. Secretary Wilson has said to the board and to me repeatedly, "We shall not interfere with your work, do it as you think best. We will provide whatever may be necessary to carry it on promptly." Gentlemen, no member of this board would have accepted service under any other conditions.

You understand that the referee board was to take up only such questions as should be referred to it by the Secretary of Agriculture. You understand that we have nothing to do with the administration of the pure food law. Our function is to answer to the best of our ability such questions as the secretary may put to us, and there stop. Assuming that the board is composed of competent men, does it not appear to be a sensible mode of procedure to have such a board of reference? Leaving myself out of consideration, the other members of the board speak for themselves; they need no comment from me. I believe the scientific men of the country approve of their appointment.

But the referee board does not hold itself to be all-wise. Questions may arise that will make it desirable to call in special experts to pass upon special points. The board will not hesitate to get all the help it may need, and will in any case endeavor to get as near the truth as possible.

Now, in regard to this work on the benzoate of soda, the referee board was asked by the Secretary of Agriculture to determine two points, first, whether benzoate of soda in such quantities as are likely to be used is or is not injurious to health; and, second, whether the quality or strength of a food to which benzoate of soda has been added is thereby reduced, lowered or injuriously affected. You know the conclusions to which the board has been led by its work. With the actual experimenting I had nothing to do. The board had a number of long meetings in which the methods to be followed were fully discussed and finally agreed upon. I attended these meetings and took part in the discussion. During the progress of the work I kept informed in regard to it by correspondence and by visits to the laboratories. After the experimental work was over other long meetings were held in which

the results were gone over in detail with all the data before us. We then agreed upon the form of the report, and the knowledge I had gained was of such a character that I felt fully justified in signing the report. I still feel that I was justified in so doing. I have tried to do my duty in this matter, as have the other members of the board. Whatever my relations to the work may have been has nothing to do with the value of the report. The real experts who have done the work and to whom the value of the report is due are my colleagues, who will now in turn briefly address you. (Applause.)

#### ADDRESS OF DR. RUSSELL H. CHITTENDEN.

President Emery: We will next hear from Dr. Russell H. Chittenden of New Haven, Conn.

In any study of the effects of a given medicine, poison, or food upon the health and nutrition of man there must be displayed, both in the methods employed and in the conclusions drawn, a certain measure of physiological good sense. The amount of the substance administered must be commensurate with the conditions under which it is liable to be used, and its administration should be continued for such a length of time as will insure a fair opportunity for abnormalities to assert themselves in an unequivocal manner. It must be remembered that up to a certain point physiological action goes hand in hand with dosage. Strychnine in doses of 1/16 to 1/32 of a grain is a much used and valuable nerve tonic, while in doses of a grain or more it acts as a violent and decisive tetanic poison. The physiological effects of common salt vary with the dosage, while protein food, which is so essential for the life of man, when taken in quantities beyond a certain maximum is very liable to produce disturbances of no uncertain character.



DR. RUSSELL H. CHITTENDEN.

In studying the effects of small doses of sodium benzoate 0.3 gram was administered daily with the food for a period of two months, or sixty-two days, six subjects receiving this amount, so mixed with their food that the latter contained 0.1 per cent of the salt in question. Assuming a food product containing 0.1 per cent of added sodium benzoate, each of these six subjects was practically fed 300 grams—or nearly two-thirds of a pound—of such benzoated food daily for a period of two months. Any physiological effect, any abnormal action which sodium benzoate is capable of exerting might reasonably be expected to show itself during this period of time.

These same subjects, after an interval of ten days, were then given increasing doses of sodium benzoate for a month; during the first week 0.6 gram per day, during the second week 1.0 gram daily, the third week 2 grams daily, while during the fourth week the dosage was increased to 4 grams of sodium benzoate per day, per man.

During the four months this experiment was in progress chemical analysis of the daily excretions, solid and liquid, of all the subjects were made, the daily food was carefully weighed and analyzed and all the necessary data collected



for making an accurate comparison of income and output with special reference to nitrogen, etc. Abnormalities of the urine were carefully sought for, while a competent medical examiner and bacteriologist made careful observations throughout the entire period of the experiment.

As our published report, giving all the many details of an experiment of this character, is available for anyone interested, it is unnecessary to take time here in discussing these matters. It may suffice to say that at the conclusion of the experiment the medical examiner, Dr. Rand, stated in his report "In general there has been no clinical evidence at any time that the health of the men was at all impaired by the benzoate feeding; on the contrary the men appeared to be in better general condition at the conclusion of the test than they were at the start. None of the men have lost in weight, while four have made appreciable gains." With a daily food intake kept at essentially the same level of nitrogen-content and fuel value, after the first ten days, the fact that the body weight of all the subjects was maintained, with a tendency to gain somewhat, suggests clearly that sodium benzoate in the doses fed does not disturb in any noticeable degree the nutritive processes of the body.

If we turn next to the finer details measurable only by chemical analysis we find corroborative evidence of a striking character. Chemical analysis of the solid excrement of all the subjects during the entire benzoate periods—with both large and small doses—shows that the benzoate added to the food was without any deleterious influence whatever upon the digestion and absorption of either the protein or the fat of the food. Comparison of the amount of ingested nitrogen with that contained in the feces shows clearly that at the close of the experiment the utilization of nitrogen was indeed slightly better than at the commencement, i. e., during the fore period. We are not disposed, however, to use this fact as evidence that sodium benzoate tends to improve the utilization of nitrogen. The point to be emphasized is that there was no deterioration; no falling off in the completeness of digestion and absorption of the protein food. Such slight gain as the analytical data indicate is more properly to be connected with the general improvement in the health of the individuals, which was unmistakable.

Similarly, the utilization of fat proved to be slightly better during the benzoate periods than during the fore period. In any event, the digestion and absorption of fat was plainly not inhibited in any way by the sodium benzoate administered. Surely the daily administration of sodium benzoate to six subjects for a period of three months, in daily doses per man, of 0.3 gram to 4 grams, when accompanied by a gain of body weight, and without loss of the power to digest and absorb the protein and fat of the daily food must be taken as evidence that sodium benzoate in the doses administered, is not seriously detrimental to health; that it does not exert any disturbing influence upon the processes of digestion, secretion, or absorption, processes which are fundamental for the preservation of a good, nutritive condition.

Let us turn next to the metabolic processes of the body, especially those connected with the transformation of protein matter. Only twice during the entire period of four months with the six individuals under observation was a minus nitrogen balance observed. During one week, one of the subjects showed a daily minus balance of 0.01 gram of nitrogen; a pretty fair approximation to a condition of nitrogen equilibrium. In the other instance, one of the subjects had a bad sore throat for a day or two and as he ate little during that period there was shown a temporary minus nitrogen balance. With this exception, throughout the experiment, all the subjects showed a steady and consistent plus nitrogen balance, thereby indicating that the sodium benzoate added to their food was without influence upon those more delicately adjusted nutritive processes which are included under the term protein metabolism. Certainly there is no evidence in our results of any tendency on the part of sodium benzoate to accelerate tissue changes, to spur on tissue metabolism, or to cause any alteration in the normal rhythm of tissue activity.

The one factor, throughout our experiments, that did exert influence upon the size of the nitrogen plus balance was as might be expected, the amount of protein food ingested. This alone was the determining factor and sodium benzoate, so far as our results show, exerts no more modifying influence upon the rate of tissue change than corresponding amounts of sodium chloride.

Daily determinations of urea-nitrogen, ammonia-nitrogen, purine-nitrogen, uric acid-nitrogen, creatinine-nitrogen, etc., in the urine, together with careful comparison of the percentage distribution of nitrogen, sulphur, etc., all failed to

show any alterations which could be attributed to the sodium benzoate taken with the food.

Practically, the only effects which sodium benzoate appears to exert on the composition of the urine are (1) a tendency towards diminishing the degree of acidity; a tendency which might be expected since the introduction of sodium benzoate gives to the body a strong base combined with a weak acid; (2) a tendency to increase the output of hippuric acid, a fact in perfect harmony with well-known physiological laws.

The character of our results, taken in their entirety, is such that only one logical conclusion seems possible, viz., that sodium benzoate in small and large doses up to four grams per day is without deleterious effect upon the human organism. I believe the evidence warrants the opinion that sodium benzoate is no more harmful or provocative of disturbance of the human organism than corresponding amounts of common salt.

The human body is well accustomed to the presence and action of both these substances. Benzoates or related substances containing the benzoyl group are about as common in the natural food of man as sodium chloride itself. Or if this be not the case, then the human body is accustomed to manufacturing considerable of the benzoyl compound for some purpose not understood, since the excretions from the kidneys in man and many animals almost invariably contain fairly large amounts of benzoyl-glycocol or hippuric acid, the daily amount being determined in large measure by the quantity of benzoate or benzoyl-containing foods ingested. Certainly, huckleberries, cranberries, plums, prunes, and other related fruits contain appreciable amounts of benzoate. According to Kanger, dried berries may contain as high as 0.45 per cent of benzoic acid. It is truly very suggestive—as experiments in our laboratory have shown—that when a diet is arranged as free from all known benzoyl radicals as possible the urine will still show an amount of hippuric acid equal to a maximum of 0.3 gram of benzoic acid per day. If now currants, raspberries, or other related fruits are added to the diet, the amount of hippuric acid excreted through the urine will rise at once, perhaps to 1 gram, or in amount proportional to the quantity of fruit eaten. The addition of 0.3 gram of sodium benzoate to the daily food—the latter free from all fruits and other articles known to contain benzoates—is followed by less hippuric acid in the urine than when the diet is reinforced by raspberries, currants, etc. In other words, the eating of a small quantity of fresh huckleberries, raspberries, or kindred berries is accompanied by the taking into the system of more benzoate than in the administration of 0.3 gram of sodium benzoate. With such facts before us, it is difficult to see, especially in the light of our experimental evidence, why sodium benzoate in moderate amounts should be considered any more inimical to health than such a salt as sodium chloride. The one is as common to the human body as the other; both are excreted in proportion to the amount introduced.

President Emery: Dr. John H. Long of Evanston, Ill., is the next member of the Referee Board who will address you.

#### ADDRESS OF DR. JOHN H. LONG.

In the short time which has been allotted to me in this discussion I shall not attempt to go into any minute details as to the results of my experiments. Such information is fully given in my printed report. It is there shown that I studied the action of sodium benzoate on a squad of six men, investigation being carried through a period of four months.

In this time the men received a dose of 300 milligrams daily through sixty days, 600 milligrams daily through fourteen days and one gram daily through eighteen days. These amounts are large enough for all practical demonstration purposes and more than cover any probable consumption with foods now on the market, or which are likely to be found in trade in the future. The smallest dose is indeed relatively large when considered in comparison with other substances used in condiments or in the preservation of foods for the table. For example, one is much more likely to use 25 grams of common salt in a day than he is to use 300 milligrams of sodium benzoate. But this amount of salt is large, and doubling it would be dangerous, through a long period.

The chemical evidence from the results of the metabolism experiments carried out with the men was so straightforward and unmistakable that no fair minded person can avoid the conclusion in studying the work that sodium benzoate in the amounts employed is a perfectly harmless substance.

But while I attach great importance to this chemical evi-



dence, I am inclined to attach even greater importance to the systematic clinical observations carried out. In this direction the control was painstaking and minute, as the report shows. The six men on my diet squad were under close observation through a period of four months of experimentation, and then through two months following. This brings us to January 1 of the present year. Through the six months following that date—that is, to July 1—the men were in school and were seen frequently by myself and my clinician colleagues. At no time during the experimental period were any of the symptoms observed which have been widely heralded as produced by doses of sodium benzoate. These men are today well, they have been well, and there has not been at any time the slightest evidence of ill effects or of impairment of any normal functions.



PROF. JOHN H. LONG.

I must admit that in one respect I protected my men, and some of you present may assume that my protection was an unwarranted interference with a very common American method of scientific study. There is no telling what would have happened had I told the men every day that they were eating poison; if I had made them sign a paper releasing me from all claim in case of an untoward termination of the experiment, or if every Chicago newspaper they picked up had been allowed to class them as possible martyrs in the cause of truth. In such experiments scientific spirit as well as method must be observed.

What may result from a little psychic disturbance was shown in the very earliest days of the dieting, in fact before any actual tests were made. The men were brought together at the table in advance of the period proper. They supposed that the administration of benzoate would begin immediately, and it is an actual fact that some of the men became apparently too sick to eat properly through several days. It was nearly three weeks after this that the first 300 milligrams of benzoate was given with the food. The newspapers had meanwhile ceased to make sensation of the work and we had no further trouble. Like some lawyers, I prefer not to try cases through the newspapers.

It is especially to be noted that the members of my squad suffered no impairment of the digestive powers. Indeed, it is highly improbable that there should be any such impairment, in view of the experiments of Kastle and others, on the behavior of benzoate in artificial digestive experiments. Such work has been carried out by myself also, and I have carefully tested the course of diastasic, peptic and pancreatic digestion in the presence of benzoate, using fresh ferments from the animal, as well as a variety of commercial ferments from the market. I can not go into the details of these tests, but it will be sufficient to say that in the amounts which came into practical consideration benzoate does not interfere with digestion in any degree.

It has been objected in certain quarters that the subjects used in our experiments were all normal men, in good health. The criticism is true, but not just. For, pray, what kind of men would you use in standard experiments? It is a possible departure from a normal condition which is under consideration here. Men weak or sick to begin with would be just as likely to be injured by the food as by the preservative, or probably more likely, and the interpretation of observations on such men would be a matter of uncertainty.

If, however, I were not limited by the restrictions imposed by the time and place on the character of the discussion, I would like to tell you of experiences with small infants fed on milk containing relatively large quantities of sodium benzoate. Such observations have been carried out for a long period by one of my colleagues in a well-known hospital dispensary, and the results have been uniformly favorable to the use of benzoate with young and sickly children. I regret that I cannot give you the details of this work.

In all these discussions it must be remembered that the behavior of many substances used as foods or condiments varies with the quantity employed. Most of us use with safety, and preferably, from 10 to 20 grams of salt per day. One hundred grams a day for a period of weeks would be a highly objectionable and dangerous dose. But because of this fact, would any of us think of condemning the use of salt? Or would any one think of prohibiting the use of pepper, cinnamon and cloves, because, in the pure state, their essential oils are physiologically very active substances? Almost every food substance known, in some quantities, or for certain individuals, may be found objectionable. The proper attitude in such cases should be one of intelligent study of the right methods of use or limitations of use, rather than of wholesale prohibition.

In this connection it must be said that there is abundant evidence that a higher limit of daily consumption of benzoate than was assumed in our experiments may be safely allowed. The voluminous literature quoted in our report shows this clearly. Doses of 10 to 20 grams a day for long periods were not uncommon. At the end of my regular squad work, two of the six men willingly agreed to carry their dosage further, and in the course of a week they consumed over 35 grams of benzoate. On the last day they each took 10 grams. A third man, who had not been on the squad, but who had been with the analytical force, began with 5 grams daily and went up to 7.5 grams daily in the week. These men experienced no unpleasant symptoms of any sort, and the only peculiar phenomenon observed was an increased precipitation of phosphates, for which there is a perfectly simple chemical explanation. It has nothing to do with increased phosphate metabolism, but depends on the change in the reaction of the urine.

I may add here that I have very frequently taken considerable doses of benzoate myself, in order to test the effects of the amounts above 2 grams daily. This consumption has been under different conditions of diet, and at different intervals after meals. I never experienced any unpleasant after effects.

Within a year this discussion has taken on a new phase. There are now very few persons who are willing to maintain that benzoate is a dangerous poison, or even a poison at all, in the ordinary acceptance of the term. It now appears that the main objection to the employment of sodium benzoate is on account of its alleged use in covering up inferiority of product. On this topic much may be said, but unfortunately it is outside the limits which have been assigned to me for discussion, and I can do no more than make a brief reference to work which came under my own observation.

I have seen some experiments on the question of concealing inferiority, but a digression will be necessary to explain the conditions under which they were made. Some months ago, shortly after the Atlantic City meeting of the American Medical Association, a well known Chicago physician, who has been active in the affairs of the Association, called me on the telephone and asked for some information on the benzoate question. He told me he had assisted in putting through the well-known resolution, and had gone to Washington with the committee who waited on the President.

His object in calling me was to ask me to meet a number of men who are engaged in the manufacture of food products, and who had evidently informed him of the fact that the Atlantic City resolution was a hasty one, and not warranted by the facts. I did not accept his invitation at the time, but told him that it had been the policy of the Referee Board to keep out of all discussions as far as possible. Some days later he repeated his invitation and very strongly. Following this new request I went to his office and met several men. A very general discussion followed, in which I took no part, except to answer some chemical questions which came up from time to time. There were two physicians present, and they expressed a desire to see a catsup made from poor materials in which the inferiority would be concealed by means other than by the use of benzoate, if possible. One of them finally asked me if I would allow such experiment to be made in my laboratory. To this I gave consent.



and some days later the experiments were carried out. The catsup was made by a gentleman representing a large manufacturing firm. He sent to the laboratory a mass of rotten tomatoes, but I had meanwhile gathered up more rotten tomatoes, apples, a few peaches and some bananas also. These batches were allowed to rot further through four or five days, producing, of course, a mass far worse than anything which could come up in practice but which would serve well to illustrate a fact, and when the two physicians and the catsup men came to the laboratory the physicians stated that they would prefer to have my material used. This was done, and some two gallons of product were made.

Some of this was preserved with vinegar and spices, some with benzoate, and some was left unmixd. The odor and taste of the last was bad; that with the benzoate essentially the same, while with the vinegar and spices a fair grade of commercial catsup was secured. A worse lot of raw material could not be imagined, yet the inferiority in the one batch of product was completely concealed by the use of the vinegar and spices. And this is a perfectly logical result.

The professional men who witnessed the experiment went away convinced that sodium benzoate is absolutely inert as far as concealing inferiority of materials is concerned. It has no odor, no color and but little taste; it can not make a bad product good or appear good, but this last is in many cases very easy with sufficient use of spices or acetic acid in the form of strong vinegar.

I am firmly of the opinion, therefore, that the charge against sodium benzoate that it serves to conceal inferiority, is quite without foundation as far as this product, catsup, is concerned, and the same is doubtless true of other products, in which its use for this purpose is alleged.

President Emery: The program now calls for Dr. Christian H. Herter of New York. Will you kindly come to the platform, Doctor?

#### ADDRESS BY DR. CHRISTIAN A. HERTER.

The publication of the results of the investigation by the United States Referee Board of Consulting Scientific Experts has given rise to considerable discussion regarding the action of sodium benzoate on the human organism. Various comments and criticisms have been made on the report of the Board as issued in Bulletin No. 88 of the United States Department of Agriculture. Some of these comments have been of such a nature as to give an erroneous idea of the work of the Referee Board on the action of sodium benzoate on the human body, and some of them are of such an unreasonable kind as to open the question whether they have actually been made in good faith. Other comments and criticisms have dwelt on debatable features of the report in Bulletin No. 88. I desire to take this occasion to review the findings of the report issued from my laboratory, with a view especially to meeting some criticisms that have come to my notice.

The report in question deals with the effects of sodium benzoate in small doses and in large doses on the human organism. The report from my laboratory showed that by the methods of investigation used no injurious results were observable in persons who had taken small daily doses of sodium benzoate over a period of two months. In this impromptu respect these results were in agreement with those obtained by my colleagues Professor Chittenden and Professor Long.

It has been suggested that the experiments in question were not carried on sufficiently long to be decisive, and that having been done on healthy men, they do not cover the cases of old people, babies and sick persons.

(1). *Duration of the Experiments.* The experiment with small doses lasted eight weeks. If it had lasted four months or six months, it might still be said that a longer test might possibly have revealed effects not noticeable in any of the shorter periods. In deciding to use a period of two months the Board was influenced by various considerations which made it appear that such a period of time was a reasonable one in which to form a judgment. The practical difficulties of carrying on such elaborate experiments over very long periods are very great and make it desirable not to prolong such experiments beyond a reasonable time. It has been suggested that sodium benzoate may be a cumulative poison, whose full action might not be apparent until after a considerable lapse of time, as is the case with arsenic, digitalis and some other drugs. There is no evidence of any such cumulative action in the case of sodium benzoate. Our observations, on the contrary, show a very rapid and complete elimination of the substance in the form of hippuric acid. The

experiments with large doses also show so prompt an elimination as to make accumulation highly improbable. Moreover such large doses as were employed failed to elicit indications that the prolongation of the period of small dosage would have developed disturbances of function, such large doses having elicited only apparently unimportant physiological variations. It seems improbable that anything of value would have been learned by the greater prolongation of the low benzoate period.

(2). *Age of Subject.* It has been objected that our subjects were young adults in good health who might be expected to resist any injurious action of sodium benzoate, much more effectively than elderly persons or young children.

As to elderly persons it may be said that there is, in general, no evidence of increased susceptibility to the action of drugs except as the result of disease or degenerative changes in the organs. Many elderly persons are subjects of disease or degeneration and the question of increased susceptibility in their case should be considered in relation to disease rather than to age.



DR. CHRISTIAN A. HERTER.

As to young children it may be stated that after the observations reported in Bulletin No. 88 had been completed, numerous trials of sodium benzoate were made on young children (chiefly under one year old) at the Babies' Hospital, under the direction of Dr. Holt. These trials were made without hesitancy because of the absence of indications of injurious action in the cases reported in Bulletin No. 88, and because it was thought that sodium benzoate might develop certain therapeutic properties. It had been observed that the gas production of intestinal bacteria and yeasts is inhibited by weak solutions of sodium benzoate (1/10 of 1%) without necessarily stopping the reproductive activities of these living cells. It was suspected that flatulence, especially of gastric origin, might be favorably influenced by small doses of sodium benzoate. This proved to be true and it was further observed that cases of vomiting, often obstinate, connected with flatulence, were promptly and effectually relieved. The daily doses given with the milk, were up to 0.2 gram of sodium benzoate. In some instances the benzoate was given over a considerable period (weeks). In no instance was any undesirable effect noticed. The result of the investigation is that sodium benzoate may be very advantageously employed in the treatment of some digestive disorders of infancy. And it should be noted that the doses used (up to 0.2 gram daily) in these babies were in some instances distinctly high as compared with the quantities which an adult person would obtain through any use of food preserved with sodium benzoate.

(3). *Influence of Disease.* The influence of sodium benzoate in disease has been very little studied. This theme was not considered an appropriate one for study by the Referee Board. The difficulty lies in distinguishing between any injurious effects which might be caused by sodium benzoate and the derangements incidental to the processes of the disease in question. The interpretation of results could be confidently made only under special conditions of investigation, extremely difficult to secure.

It must be conceded to be extremely probable that persons with disorders of digestion, especially gastric digestion, would be unfavorably affected by taking large doses of sodium benzoate over long periods of time, possibly even during short

(CONTINUED ON PAGE 57.)



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## NOTICE.

Owing to the great expense involved in the preparation and publication of this special convention number and owing to the fact that we have made no effort to secure additional advertising but must depend on our regular subscription and the sale of extra copies to meet this added expense this special issue of THE AMERICAN FOOD JOURNAL will be twenty-five cents per copy delivered. If preferred we will mail postage prepaid to any address or mailing list sent us any number of copies at the above price.

## GEORGE L. FLANDERS.

George Lovell Flanders, the newly elected president of the Association of State and National Food and Dairy Departments, was born in Parishville, St. Lawrence County, State of New York, on February 29, 1856. He attended the Normal School at Potsdam, N. Y., and Union College, at Schenectady, N. Y., and, afterwards, the Albany Law School, which is a part of Union University. He was the class orator. He entered the employ of the State of New York in 1884, as deputy dairy commissioner. In the interest of pure food products, in 1893, when the Dairy Commission was changed to the Department of Agriculture, Mr. Flanders was made first assistant commissiomer, which position he has held ever since, with no changes, except in 1908, when he was made counsel to the department, and is now known as the first assistant commissioner and counsel.

Mr. Flanders was a delegate to the first convention of the National Association of Dairy and Food Departments, held at Detroit, Mich., in 1896, at which time he was elected first vice-president, which office he held for three years, the last year of which he was acting president.

In 1901, he was elected president of the "Farmers' National Congress" at Sioux Falls, S. D., which office he held for two years, presiding at the meetings held at Macon, Ga., in 1902, and at Niagara Falls, N. Y., in 1903. In 1904 he delivered an address before that congress in St. Louis, Mo., on the question of "Equitable Distribution," the point of which was to encourage instruction along this line in the schools of the country. He was delegate from the State of New York to the several pure food congresses held in Washington, D. C., the object of which was to secure the passage of a national food law and to promote uniformity in state action along these lines. He has been an active element in securing the passage

and enforcement of the New York food law, and stands on the principle that no harmful food should be sold; all harmless food combinations should be so labeled as to give the purchaser information as to the constituents.

That the national and state laws should, in so far as possible, be uniform in the interest of facilitation of distribution, which is in the interest alike of producer, distributor and consumer.

In 1885 Mr. Flanders married Miss Catherine Southwick Keeler of Albany, N. Y., and has two children, both girls, Lilian Lovell and Marian Southwick.

## THE 13th ANNUAL CONVENTION.

Now that the smoke of battle has wafted away we may take a clear survey of the Thirteenth Annual Convention of the Association of State and National Food and Dairy Departments, and note the results and analyze the causes which lead to the result.

The most important business transacted at the last annual convention was the adoption of the open-door policy and the banishment of executive and star chamber sessions; the endorsement of the Referee Board of Scientific Experts and the action of the authorities in acting upon their conclusions in the only investigation completed to date, that is endorsing Bulletin 104, relative to benzoate of soda; the endorsement of President Taft, and Secretaries Wilson, MacVeagh and Nagel, in their enforcement of the National Food and Drugs Act, and a strong endorsement of the National Food and Drugs Acts itself; the adoption of a resolution, eliminating from the packed program all papers on whisky and leaving the question as to the definition of whisky untrammelled to the President; the adoption of a resolution asking for the retention of the ten-cent tax on colored oleomargarine and more stringent regulations to prevent its fraudulent sale for butter; the reelection of an entirely new set of officers with the exception of ex-Treasurer Foust of Pennsylvania, and the election of George L. Flanders of New York state, whose nomination was seconded by Secretary Wilson, as president of the association for the coming year.

To understand the significance of the vote one must have in mind the previous record of the convention. For several years the convention, like the Association of Official Agricultural Chemists, had been machine-ruled and the membership had only a remote participation in its business. It had been captured and tied at Hartford, Conn., and used by Dr. Wiley and others to further their personal ambitions. At Mackinac, the ringleaders went so far as to pass resolutions condemnatory of Secretary Wilson, thinking this would aid the aspirations of Dr. Wiley for the Secretary's position. This action was a boomerang, as this journal predicted it would be, and it proved the beginning of the end.

In the past self-interest, prejudice and passion has played an important part in food conventions. There was an evident effort on the part of the delegates present at the thirteenth annual convention to touch the solid rock of science.

Sensationalism and playing to the galleries have not had their day even in food matters. Perhaps the public will be pestered with doctored news as long as we have political doctors and pseudo scientists, and this is unfortunate as the laity are not as well able to protect themselves against the misrepresentations of the so-called scientist as they are against the patent medicine fakir.

But science sets the boundaries of science. And



what is unscientific to the savant, in time, however slowly, is accepted as heretical by the world.

It may be important to the liar whether his object was malice or mere merriment or whether the fracture of the Commandment was caused by moral leprosy, mind fatigue or plain ignorance, but the effect on the duped believer is always the same. He has entered a false weight in his mental balance.

We would not set ourselves up as the arbiter of right and wrong, of truth and falsehood. However, many scientific facts are axiomatic, and scientific tribunals and technical treatises must always displace unsupported assertion.

This journal has from its beginning had but one great object, viz., to magnify the importance of the plain, unvarnished truth. The simple truth, whether from the lips or pen of the food commissioner or his scientific mentor; the food manufacturer or his paid expert, has been considered by us the strongest argument that could be advanced. We have deliberately and against the influence of great powers contended that there was no cause so good as to be helped by a lie. One fruit of the labor of this Journal in the thirteenth annual convention was shown in the evident desire on the part of the majority of those present to square themselves with science. In the face of popular opinion built up on false mental weights this action required courage. The powerful influence of the great Secretary of Agriculture in this direction and the personal presence of the pick of the best men that science has produced in this country were a tower of strength in the last victory of science vs. sensationalism and sentiment.

#### THE NEW OFFICERS OF THE ASSOCIATION.

Some of the old machine element in the Association of State and National Food and Dairy Departments as a single sop in their dish of unsavory soup gloat unseemingly in the satisfaction of electing three out of five members of the executive committee of the association.

We are reminded of a conversation of Bridget O'Flaherty and Nora Mulcahy over the back fence. Bridget asks in her own tongue what the activities in Nora's house portend—a wake or a wedding. "Neither," says Nora, "my boy, Patrick, is coming home." "Why," says Bridget, "I thought he was sent up for five years." "O, yes," says Nora, "but he was given two years off for good behavior." "What a satisfaction it must be to you to have such a good boy," says Nora.

By a sacrifice of all personal ambition for re-election to office and by trades in which the newcomers among the commissioners and some even hailing from states just inaugurating pure food work, were slated for the responsible duties of the executive committee, three men were lined up against the Secretary of Agriculture and later elected on the executive committee. It is hardly probable, however, that with the exception of the member from Maine any of the new officers will countenance the methods employed in the past to manipulate the convention to personal ends or to the advantage of special business interests. In President Flanders the association has an experienced officer who has long fought clicks and clans and underhanded methods, and who has stood for what was square according to the best light that science can shed, and who now, as ever, may be depended upon to stand by his guns.

#### THE ENGLISH WHISKY DECISION.

The following extracts from the final report of the English Royal Commission on Whisky fully substantiate the contention made in the controversy in this country that a distilled spirit from grain known at high proof as neutral spirits from which in process of manufacture most of the fusel oil or by-products have been separated or eliminated, is as much whisky as any other distilled spirit from grain.

Even before this report of the English Royal Commission was promulgated, a majority of the State Food Commissioners had pulled away from Wiley's original whisky views, and were of the opinion that the whisky definitions and standards adopted by the Wiley Standards Committee were not sound.

An exhaustive investigation and report by the English Commission should be regarded by the few remaining adherents to the Wiley Standards as settling this question, and there can no longer be any excuse for a scientist to contend that nothing is whisky except the diluted high wines colored by a package prepared by charring to impart color thereto.

#### Extracts From Final Report.

##### ORIGIN OF COMMISSION.

From time to time various attempts have been made to place restrictions upon the materials and the processes which may be used in the manufacture or preparation of the spirit sold under the term "whisky," and public attention was specially directed to the question of the significance of this term in consequence of certain legal proceedings which were taken at the instance of the Council of the Metropolitan Borough of Islington.

##### ISLINGTON PROSECUTIONS.

In November, 1905, two summonses were heard at the North London Police Court before Mr. E. Snow Fordham, the Stipendiary Magistrate, charging contravention of Section 6 of the Sale of Food and Drugs Act, 1875, these two summonses being selected as test cases out of twelve summonses issued.

Against the one defendant, Mr. Wells, it was alleged that he had sold, to the prejudice of the purchaser who demanded Irish whisky, something which was not of the nature, substance, and quality of Irish whisky; and against the other defendant, Mr. Davidge, it was alleged that he had sold, to the prejudice of the purchaser who demanded Scotch whisky, something which was not of the nature, substance, and quality of Scotch whisky.

Dr. Teed, the Public Analyst of the Borough, analysed the samples, and certified as to each that it "consisted entirely of patent still, silent or neutral spirit." Whisky, according to Dr. Teed's certificate, "should consist of spirit distilled in a pot still derived from malted barley, mixed or not with unmalted barley and wheat or either of them. Such whisky contains at least a co-efficient or total of the above-mentioned impurities of 380 parts per 100,000 fluid parts of absolute alcohol. Patent still spirit contains from 89 to 204 parts of total impurities, with an average of 140 parts per 100,000 fluid parts of absolute alcohol."

The learned magistrate came to the following conclusions:

"1. That the patent still spirit alone is not whisky."



"2. That 'the produce of the patent still unmixed with pot still whisky cannot be Irish or Scotch whisky although made in Ireland or Scotland.'"

"6. That the one defendant's sample was 'not Irish whisky,' and the other defendant's sample was 'not Scotch whisky, and Irish whisky and Scotch whisky having been demanded by the purchaser' from the two defendants respectively, that 'each of the defendants did sell an article of food which was not of the nature, substance and quality demanded.'"

"It will thus be seen that the prominent questions moving the nomination of the Commission were:

"2. Whether the spirit manufactured in patent stills should, either alone or when mixed with the product of pot stills, be allowed the use of the name 'whisky'."

"The historical argument is that the pot still process is the simple, natural and original method of distillation; that in the early days of whisky manufacture all whisky was made by this process, no other process being known; that the patent still process, on the other hand, is of comparatively recent origin, that it was not at first intended for the manufacture of 'whisky' exclusively, but for the production of 'spirit'; and, lastly, it was contended that the public do not regard the product of the patent still as whisky, and when they ask for 'whisky' expecting to be supplied with the pot still product only.

"Against this it is urged that historically the patent still represents an evolution from the primitive pot still which had passed through various progressive stages; that since 1831 the patent still has been used for the manufacture of what has been recognized both by the trade and the public as whisky; that in certain districts of the United Kingdom patent still spirit by itself is bought and sold as whisky; and that the great proportion of the whisky of commerce, that is to say, the whisky consumed in the United Kingdom or exported abroad, is a blend of pot and patent still spirit.

"The claim for a prescriptive right of the pot still product alone to be called 'whisky' as above stated, is based upon the fact that until about 1830 all whisky was manufactured in pot stills. But a product does not lose its name because an improved or even altered mode of manufacture is employed. Similarly, before 1820 persons traveled in carriages or on horseback. But when railways were invented those who journeyed in them did not cease to be 'travelers.' It was not claimed that only those who continued to be conveyed by the old methods were 'travelers.'

"Three processes have been in common use for many years past for the production of whisky. They are the Irish Pot Still Process, the Scotch Pot Still Process, and the Patent Still Process.

"Technologically these three processes have certain points in common. Each involves the following three operations:

"1. Mashing, for the preparation of a liquor technically termed wort.

"2. Fermentation of the wort, for the preparation of a liquor called wash.

"3. Distillation of the wash, for the separation of the spirit.

"The differences in character between the various classes and varieties of whisky produced in Ireland and Scotland are mainly due (a) to the kind of materials selected, (b) to the relative proportions of

these materials, (c) to the methods of mashing and fermentation employed, (d) to the type of still used for the third operation, and (e) to the exact mode by which the still is worked. Comparatively small variations in any of these operations may result in considerable differences in the character of the spirit finally obtained.

"In several patent still distilleries yeast is produced as well as spirit for the market, and unmalted rye is then generally used because it is said to yield a wort especially favorable to the growth of yeast.

"Originally the object of distillation as applied to potable spirits was no doubt the separation of the more volatile constituents from the less volatile and non-volatile constituents of the wash. In the course of time, however, it came to be recognized that by modifying the form of still, by collecting the distillate in fractions and not as a whole, and by redistilling, the more valuable portions of the spirit could be obtained in a more concentrated form; and that, in addition, the quality of the whisky could be improved. Thus the distillation process not only involves the separation of the more volatile products of the wash, but the concentration and rectification of those bodies.

"From the above description it will be seen that the process of distillation which is carried on by steam in Coffey's patent still is continuous, and that the low wines are not collected as in the case of the pot still, but pass on to the rectifying column in the form of vapor, where they are resolved into strong spirits and feints. At the end of each distilling period, which occupies two or three days, the fusel oil can be removed from the hot feints receiver; frequently this is done by adding water to the liquid, when fusel oil rises to the surface, and may be skimmed off and sold for use in the arts and manufactures.

#### COMPOSITION OF PATENT STILL WHISKY.

"On reviewing the brief descriptions which have been given of the distilling operations which are practiced in the production of pot still and patent still spirits, it becomes evident that the secondary constituents in the latter must be fewer in number, and generally less in total amount than those in the former class of whiskies; and that consequently the patent still whiskies must be less varied in character than pot still whiskies. Analyses of patent still whiskies will be found in the Appendices in which those of the pot still whiskies above referred to are recorded.

"It is admitted that patent still whiskies do not show the same range of variation as pot still whiskies. Indeed, from the evidence given by several witnesses, it seems doubtful whether Irish patent still whiskies can be distinguished by their flavors from Scotch patent still whiskies. But it must be remembered in this connection that the great bulk of patent still whisky is specially manufactured for blending with pot still spirits.

"We have already indicated one source of loss of flavoring constituents, which is peculiar to the patent still process; it is the separation of fusel oil through the 'hot feints.' Dr. Bell pointed out another as a result of the special investigations which he carried out for the Select Committee of the House of Commons. In the course of some experiments in connection with the changes which go on in the secondary constituents in whiskies during maturation, he separated the empyreumatic and other substances from new pot still whisky and from a series of samples of the same bonded for different periods, and he



found that those in the new spirit possessed an unpleasant odor combined with a malt flavor, but that those from the bonded spirits became more and more agreeable with increase of time of bonding. On making similar experiments with patent still whiskies, he found that they are practically free from empyreumatic bodies even when new.

#### CONCLUSIONS AS TO PROCESSES.

"The conclusions to which we have come on this part of our inquiry may be summarized as follows:

"The spirit which is produced and sold to the public in the United Kingdom at the present time under the name of whisky is distilled in various kinds of apparatus which may be broadly classified as pot and patent stills. The former are used in the manufacture of whiskies with special and pronounced characteristics in the matter of flavor and taste. They vary inter se, those used in Ireland for the distillation of a fermented wort, derived from malt and unmalted barley, rye and oats, differing, for example, in some respects from those used in Scotland for the distillation of worts obtained solely from malt. The patent still, as applied to the production of whisky in this country, is used for the distillation of fermented worts derived from various cereals, principally maize, with the addition of a proportion of malt. It is adapted for the economical production from such materials of whiskies which in general have less of the pronounced characteristics above referred to.

"The evidence which we received shows that such spirits have been frequently described as 'whisky' by distillers and traders since the patent still came into use; and that for many years a section of the public, particularly in parts of Scotland and Ireland, has recognized patent still spirit without admixture under the name of whisky, and has purchased it as whisky, no attempt being made by distillers or vendors to conceal the method of distillation. Moreover, spirit produced in the patent still, as we have shown, has long been employed for blending with or diluting whiskies of different character and distilled in different forms of still. This has been by far its largest use, and most of the whisky now sold in the United Kingdom contains in greater or less degree spirit which has been obtained by patent still distillation.

"Again, apart from the fact that pot stills differ so much that a comprehensive legal definition would be difficult to frame without either excluding certain types of still which are now commonly recognized as pot stills, or including other types which are not now looked upon as legitimate variations of the pot still, there are strong objections to hampering the development of an industry by stereotyping particular forms of apparatus.

"Finally, we have received no evidence to show that the form of still has any necessary relation to the wholesomeness of the spirit produced.

"For these reasons we are unable to recommend that the use of the word 'whisky' should be restricted to spirit manufactured by the pot still process.

"Our general conclusion, therefore, on this part of our inquiry is that 'whisky' is a spirit obtained by distillation from a mash of cereal grains saccharified by the diastase of malt; that 'Scotch whisky' is whisky, as above defined, distilled in Scotland; and that 'Irish whisky' is whisky, as above defined, distilled in Ireland.

#### BLENDING.

"The practice of blending (by which we understand the admixture of any two or more different whiskies whether pot still or patent still) has an important bearing upon this section of our inquiry. It is a practice which has been steadily increasing for many years; and we think it well to call attention to the extracts quoted above from the Report of the Select Committee of 1890-91 with regard to the character and growth of the blending trade.

"With regard to the blending of pot still and patent still whiskies, the evidence given on behalf of the defense in the Islington case was summarized by Mr. Walter as follows: That 'for many years a patent still spirit had been used to blend with pot still spirit; that the blend produced by that was not a mere dilution, but was an essential feature to bring out the respective flavors of the pot and patent still; that it was necessary for the proper "marrying" of the spirits that patent still spirit should be used; that the demand had largely arisen for milder spirits than the pot still spirits were—milder in flavor; that that want could only be met by the blending of pot still whisky and patent still whisky; that the products of different patent still distilleries were quite distinct in their flavors and in their qualities; that the prices paid for them varied; and that it was part of the blender's art and one of his most valuable trade secrets to know in what proportion to blend what patent still spirits and what pot still spirits in order to produce the particular flavor which his whisky was known for.'

"We received evidence on the subject of blending which tends to confirm the foregoing contentions.

"According to this evidence the blending of pot still and patent still whiskies is practiced in Scotland for the purpose of producing two distinct classes of spirits: (1) mildly flavored Scotch whiskies of particular characters and good quality; (2) cheap, palatable Scotch whiskies.

"The preparation of the second class of blends involves different considerations. The principal object in this case is the production of cheap and palatable Scotch whiskies. It is necessary for pot still spirits to mature in wood in order that they should acquire a pleasant flavor. Patent still whiskies, on the other hand, although they are improved by keeping in wood, change to a less extent and mature much more quickly, and it is stated that the blending of immature pot still with patent still whisky has the effect of attenuating or toning down the pungent, unpleasant taste of the former, and that the mixture then becomes 'a palatable and not unwholesome spirit.' Such a mixture would, if kept in wood, mature in a shorter time than the pot still whisky would by itself.

"The proportion of pot still to patent still whisky in these cheap blends is varied chiefly in accordance with the price to be paid for them. The cheapest blends may contain as little as ten per cent of the former and even less.

"In competition with 'self-whiskies,' the proprietor of a blend starts with many manifest advantages. In Scotland there are 150 distilleries at work, and not only do the products of these different distilleries vary one from another, but in different seasons the make of each distillery may vary owing to difference in the quality of the malt. Hence as self-whiskies the products of these different distilleries only appeal to the palates of a limited number of consumers. In the



blend, on the other hand, these differences are minimized, if not entirely nullified. The blender may purchase and mix together the product of so many different distilleries, that he gets rid of the pronounced flavor of any particular whisky. He is thus enabled to put on the market year by year a blended whisky of almost unvarying uniformity of character. The pronounced flavor of each individual whisky suits the taste of a comparatively limited number of consumers, whereas the blend, especially in England and in the Colonies, appeals to a very much larger number. The use of patent still whisky is said still further to assist the blender in his endeavor efficiently to incorporate or 'marry' the different components of the blend and to produce a beverage of a comparatively mild flavor.

"Blending with patent still whisky, again, cheapens production, because the patent still spirit which is used in the blend costs less to manufacture than pot still spirit.

"The blend, therefore, produces a more mildly flavored and generally a cheaper article than the individual pot still whisky. The market for blended whiskies is greater than that for the individual whiskies; so much so, that it would probably be safe to say that the majority of Englishmen who drink whisky seldom drink anything but a blend. We are bound, therefore, to take into consideration the fact that any undue interference with the practice would not only destroy a flourishing industry, but would also prejudicially affect large numbers of the public."

#### THIEVERY OF OUR NAME.

The American Pure Food and Drug Journal which asked to be recognized as the official organ of the Association, should not be confounded with THE AMERICAN FOOD JOURNAL.

This paper was established before any of the others, except "What-to-Eat," which soon changed its name to imitate ours. "The American Pure Food and Drug Journal" is a new candidate for favors, but in view of the fact that the publication claims to be endorsed by the state officials, the official endorsement would be, it would seem, supernumerary. THE AMERICAN FOOD JOURNAL never has asked to be an official organ, never has claimed to be an official organ and at present does not desire to be the official organ of any organization, but prefers to be absolutely independent, so that it need wear the shackles of no association, trade or interest.

#### ACCIDENT TO MRS. EMERY.

Everyone who attended the recent Denver convention as well as a host of friends among our clientage will be pained to learn of the serious accident which befell Mrs. Emery, wife of Commissioner J. Q. Emery, while returning from the convention. In some manner she fell over a foot stool in the observation car, on Monday, August 30th, and broke the femur bone of her right limb in or near the ball and socket joint of her hip. At this writing her condition is serious. THE AMERICAN FOOD JOURNAL extends to Commissioner and Mrs. Emery, in its own behalf and that of its readers, the sincerest sympathy and hopes for the speedy recovery of Mrs. Emery.



MRS. MARY WRIGHT,  
Former Dairy Commissioner of Colorado and Member Local  
Entertainment Committee.



THE TWO JONESES.

A. H. Jones of Illinois. Dr. H. P. Jones of Louisiana.



**(CONTINUED FROM PAGE 51)**

periods of time. But exactly the same thing might be said with equal justice of considerable quantities of sugar or sodium chloride, or many articles properly used as food by normal persons.

It should be remembered in the case of sodium benzoate that the margin is very wide between the ordinary dose obtained in a preservative and the quantity that produces modification of function.

ACTION OF BENZOIC ACID AS DISTINGUISHED FROM  
SODIUM BENZOATE.

The Referee Board did not investigate the action of benzoic acid, as such, partly because it does not exist free in most instances where it is used as a preservative. In some cases, as in hard cider, preserved with sodium benzoate, it is probable that some free benzoic acid is liberated, though just how much it is difficult to say. Another reason why no investigation of free benzoic acid was undertaken is because in normal stomachs secreting hydrochloric acid, it is likely that the liberation of benzoic acid from sodium benzoate takes place in the acid contents of the stomach, or, in other words, that this liberation of acid gives rise to conditions similar to those which would be obtained from the introduction of free benzoic acid in small quantities.

The claim has been made that the action of benzoic acid is much more injurious than the action of sodium benzoate. Experiments have been brought forward which claim that cider to which sodium benzoate has been added is distinctly more injurious to the human organism than cider without this preservative. The alleged difference has been attributed to the presence of free benzoic acid in the cider. The special claim has been made that if one or two grams of sodium benzoate be added to a litre of hard cider, the drinking of this mixture is very apt to be followed by albuminuria, thus indicating that the kidneys have been in some way damaged owing to the addition of the benzoate, and presumably owing to its presence as free benzoic acid.

Experiments of this nature have lately been carried on by Dr. E. E. Smith of New York, a former worker in my laboratory, on six subjects, one of whom was prone to slight albuminuria. In no case was Dr. Smith able to detect the presence of albuminuria in the urine after the ingestion of the benzoated cider; not even in the case of the subject with slight albuminuria, was any albumin detected.

Dr. Dakin, in my laboratory, made the following experiment. One-half gram of benzoic acid, dissolved in one-half litre of water was taken between breakfast and lunch, on a nearly empty stomach by a young man about 30 years of age, for many years subject to slight albuminuria. As no albumin appeared in the urine, the experiment was repeated on the following day, under the conditions mentioned, except that the dose of benzoic acid was one gram dissolved in three-fourths litre of water and was ingested within three minutes. No albumin was detectable in the urine after the ingestion of this considerable dose of benzoic acid. It seems as if albumin ought to have been obtained in this case if benzoic acid has indeed the qualities attributed to it by some persons. In this connection it should be mentioned that benzoic acid has long been employed as a urinary antiseptic in large doses, without any evidence that it has excited albuminuria.

In connection with the benzoic acid experiments just mentioned it should be stated that it seemed more reasonable to conduct the experiment with benzoic acid in aqueous solution than to add sodium benzoate to cider, if one wishes to test the action of benzoic acid on the kidneys. If sodium benzoate be added to acid cider, it is probable that the malic and other acids of the cider will set free a certain proportion of benzoic acid from the sodium benzoate, but the proportion thus set free to the total benzoate is a matter of uncertainty. We must therefore regard experiments of this kind as unscientific because they do not provide conditions definitely known to the experimenter, who is really in the dark as to how much benzoic acid he is actually placing in the stomach. The experiments referred to as having been made by Dr. Dakin were made with definite quantities of benzoic acid and thus obviated the objection just raised. I do not consider that at the present time there exists any reliable evidence that benzoic acid in doses of one gram or less taken at one time is capable of causing albuminuria.

In this connection I wish to point to the fact that the human organism possesses an enormous reserve of alkali (ammonia, sodium, potassium, etc.) available for the neutralization of acids. This reserve is immediately drawn upon to neutralize any acid absorbed from the digestive tract. Therefore benzoic acid, like any other acid absorbed from the digestive tract, is

properly neutralized, and reaches the kidneys as ammonium or sodium benzoate and not as benzoic acid. It is inconceivable in the present state of our knowledge that free benzoic acid can reach the kidneys in consequence of the introduction into the stomach of any ordinary doses of benzoic acid. For this reason it is difficult to see any theoretical grounds for supposing that the use of free benzoic acid in reasonable quantities can have any direct influence, not also shared by sodium benzoate, upon the kidneys. The direct injection of benzoic acid into the blood stream is the only way in which benzoic acid is likely to reach the kidneys in a free state. In view of these facts it may be said that the evidence now at our disposal indicates that the action of benzoic acid as regards the kidneys is exactly the same as that of sodium benzoate, in cases where these substances are absorbed from the digestive tract.

This conclusion does not lose sight of the fact that benzoic acid is, in general, much more injurious to cells than sodium benzoate. It must be regarded as extremely probable that the administration of considerable doses of free benzoic acid during a considerable period of time is capable of setting up a well-marked irritation in the digestive tract. But in this respect benzoic acid is exactly like other acids, such as acetic, malic, citric and other organic acids found in food.

ACTION OF SODIUM BENZOATE ON LOWER FORMS OF ANIMAL LIFE.

Some experiments were made with a view to determining whether sodium benzoate exercises a marked toxic action upon lower forms of animal life. Tadpoles about an inch in length were used in these experiments. It was found that tadpoles placed in a 1/10 of 1% solution of sodium benzoate and tap-water, lived for more than twenty-four hours and did not show any signs of disordered function. No effort was made to determine how long the animals might live in a solution of this strength. Experiments were also made with solutions of 0.5%, 1%, 2% and 5%. Placed in a 5% solution of sodium benzoate the tadpoles quickly died; in a 2% solution of sodium benzoate the animals remained alive for more than twenty-four hours, although with considerable depression of function; in a solution of 0.5% and 1% of sodium benzoate the tadpoles remained alive for more than twenty-four hours and with only slight discernable depression of functional activity.

Experiments were also made with various concentrations of sodium chloride. The greater toxic action of sodium chloride for equal concentration was very apparent. Thus while, as just stated, tadpoles, lived for more than twenty-four hours in a 1% solution of sodium benzoate, they died in the course of a few hours when placed in a 1% solution of sodium chloride.

Experimentation with tadpoles in the manner just mentioned may be regarded as a legitimate kind of experimentation and has been very advantageously employed by pharmacologists in the study of anaesthesia and of narcotic drugs. Inferences cannot, however, be transferred from one species of animal to another and the results obtained in the case of tadpoles do not necessarily constitute evidence that the action of sodium benzoate on human cells is equally innocuous. The observations, however, possess this interest, that they are confirmatory of the results already obtained by much more elaborate methods in the case of human beings. It may also be mentioned in this connection that the action of sodium benzoate upon bacteria is not a powerful one, although sufficient, in concentration of 1/10 of 1% to inhibit the multiplication of bacteria in general.

It is the combination of a moderate effectiveness against most fermentative bacteria and a remarkable absence of injurious effects to animal cells that gives to sodium benzoate its peculiar position as a preservative agent for human food, and has made it the center of so much attention.

There has been a disposition in some quarters to deal unjustly with the question of benzoate of soda, by unfair appeals to popular prejudice. A chemist stated in the public prints with obvious intent to prejudice that benzoic acid is benzoyl formic acid and that cocaine contains the benzoyl group. He might equally well have said of sodium chloride—common salt—that it consists of sodium, which forms a deadly caustic when acted on by water, and of the gas chlorine which even in traces stifles animal life. The truth is that the facts in regard to the chemical constitution of benzoic acid all point to its innocuous character, for it is well known to pharmacologists that the introduction of the carboxyl group, COOH, always exerts a powerful mitigating action on any substance. In the case of benzoic acid the carboxyl group substitutes a hydrogen atom in the benzene ring, and it is known that benzene can be administered internally in considerable doses without poisonous effects. Many examples could be adduced of this powerful mitigating action of the carboxyl group.



Thus the chemical constitution of benzoic acid fully accords with what we know of its innocuous nature when given to human beings.

I would ask for fair play and justice even for a substance so much maligned as benzoate of soda. I would ask that the spirit of fanaticism be kept in check and that the decision of the effect of sodium benzoate on the human body be left to scientific experts and not to public opinion or untrained persons. The question is a highly technical one and could be decided only by technical methods. The decision of the Referee Board as to the effects of sodium benzoate was reached only after the most careful, extensive and difficult investigation that has ever been made, and its decision is worthy of the confidence of the people of this country and should be final.

President Emery: "The report of the committee of state food chemists appointed by direction of the executive committee to review the experiments and conclusions of the bureau of chemistry, United States Department of Agriculture, of the referee board of consulting scientific experts, and of the state food departments, on the subject of added benzoic acid of sodium benzoate to foods." This committee consists of: M. A. Scovell, chairman, Lexington, Ky.; W. M. Allen, Raleigh, N. C.; E. H. S. Bailey, Lawrence, Kan.; H. E. Barnard, Indianapolis, Ind.; Richard Fischer, Madison, Miss.; Julius Hortvet, St. Paul, Minn.; M. E. Jaffa, Berkeley, Cal.; E. F. Ladd, Agricultural College of North Dakota; Floyd W. Robinson, Lansing, Mich.; J. H. Shepard, Brookings, S. D.; Chas. D. Woods, Orono, Maine.

Dr. Scovell has acted as chairman of this committee, but a few weeks ago was obliged to undergo a surgical operation and has not been able to meet the committee here at this time. The report of the committee as determined by the committee will be given by Professor Floyd W. Robinson of Michigan.



PROF. FLOYD W. ROBINSON.

#### REPORT OF COMMITTEE ON SODIUM BENZOATE.

The committee appointed by the President of the Association of State and National Food and Dairy Departments has, as instructed, investigated the data presented in Part 4, Bulletin 84, Bureau of Chemistry, and

likewise the data presented by the Referee Board embodied in Report No. 88, and finds that these investigations have considered the influence of sodium benzoate on the nutrition and health of man from the single standpoint of the physiological effects of sodium benzoate through comparatively short periods of time on adult subjects believed to represent individuals in average health. Your committee has reviewed the work done by the various state food departments, all of which tend to corroborate the findings of Part 4, Bulletin 84, Bureau of Chemistry. Your committee has also considered the references submitted in Part 4, Bulletin 84, and in Report 88, as well as those from other sources, which tend to corroborate the results obtained by both investigations above referred to.

Your committee believes from the data at its disposal that the question of toxicity of benzoic acid and its salts can not be decided by a study of the sodium salt of benzoic acid alone. Your committee furthermore believes that results touching the real merits of the use of sodium benzoate in foods cannot be reached by methods which deal solely with physiological effects, which consideration we believe to be one and not necessarily the most important phase of the problem.

Moreover, your committee believes from a study of the several investigations, that inquiry along broader lines involving, among other things, the effects of sodium benzoate upon nutritive values and the effects of sodium benzoate upon the concealment of damage and inferiority, the accomplishment of fraud and the practice of insanitary methods in the preparation and handling of food products, would tend to a more certain solution of this problem. Your committee therefore respectfully suggests to this Association the wisdom of asking the President of the United States and the Honorable Secretary of Agriculture to institute investigations along some such broader lines as indicated above.

W. M. Allen.  
E. W. S. Bailey.  
H. E. Barnard.  
Richard Fischer.  
Julius Hortvet.  
M. E. Jaffa.  
E. F. Ladd.  
Floyd W. Robinson.  
Jas. H. Shepard.  
H. D. Woods.

President Emery: We will now listen to a paper on "Some Queries Suggested by the Referee Report on Benzoate of Soda," by Dr. Charles A. L. Reed, Cincinnati, chairman of the legislative committee of the American Medical Association. (Applause.)

**DR. REED'S ADDRESS WILL BE PRINTED IN A SUBSEQUENT ISSUE OF THE AMERICAN FOOD JOURNAL.**

President Emery: We will now hear from Dr. Daniel R. Lucas, medical department Columbia university, New York City, on "Some Effects of Sodium Benzoate."

**DR. LUCAS' ADDRESS WILL BE PRINTED IN A SUBSEQUENT ISSUE OF THE AMERICAN FOOD JOURNAL.**

Mr. Jones (Illinois): Mr. Chairman, I rise to a point of personal privilege. I would like to know if the gentleman read all of his paper or his address. I would like to know of the gentleman if he did.

Dr. Lucas: Pardon me?



Mr. Jones (Illinois): I would like to know if you read all of your address?

Dr. Lucas: I omitted, as I said I would do, the details of experiments on microbe organisms, etc.

Mr. Jones (Illinois): Have you stricken that out of your paper—that part of your address that you wish to have printed?

Dr. Lucas: I intend to publish this in full and publish the experiments on microbe organisms in full.

Mr. Jones (Illinois): That is, without reference to what you read here?

Dr. Lucas: I shall print all that I read here and in addition a few more points.

President Emery: Will the stenographer please read the motion or resolution offered by Mr. McCabe.

The stenographer read said resolution as follows:

**"I MOVE THAT AT THE CLOSE OF THE PAPERS, AFTER THE REPORT OF THE COMMITTEE OF THIS ASSOCIATION UPON THE REPORT OF THE REFEREE BOARD HAS BEEN RECEIVED THE MEMBERS OF THE REFEREE BOARD BE GIVEN AN OPPORTUNITY TO ANSWER ANY QUESTIONS, COMMENTS, CRITICISMS OR DISCUSSIONS THAT MAY BE MADE ON THEIR REPORT."**

Mr. Jones (Illinois): Mr. President, I would ask you to state whether that was the resolution as it was offered.

President Emery: If Mr. McCabe is in the room will he restate his motion?

Mr. McCabe: I cannot repeat it word for word, but the effect of the motion was that at the close of these papers the referee board, if they so desired, should be given permission to reply to any criticisms or comments that might be made.

President Emery: That opportunity is now extended to them.

Dr. Remsen: Mr. President.

President Emery: Dr. Remsen. (Applause.)

Dr. Remsen: The referee board did not come to this meeting in a controversial spirit. Everything that the referee board can do to avoid controversy will be done (applause), for the reason, Mr. President and gentlemen, that we do not think a spirit of controversy is conducive to a finding of the truth. (Applause.)

We want the facts, and we want them in a most honorable way, and we want those facts to speak for themselves. If the referee board had its choice, and could do exactly what it wished to do, no reply whatever would be made to the speeches that have been made, since they are brief remarks. The only question in our minds, or I might say in my mind, for I have not consulted with my colleagues on this point—the only question is whether a false impression may not be made by our silence, whether it may not be concluded that because we say nothing we consent, in accordance with the old adage. Now, Mr. President and gentlemen, we do not comment, we do not think that many of the so-called arguments that have been advanced need answer. Some have been answered, notably the one in regard to the concealment of inferiority. I think that has been fairly met, in accordance with definite and practically final experiments.

I will not attempt, however, to go through the list—I cannot remember all the statements that have been made, and I have made no notes, and therefore am unable to give a detailed—or to enter into this discussion in any detailed way, nor do I wish to.

I wish simply to say that the referee board does not accept the statements as final or as in accordance with the facts—many of the statements that have been made by our eloquent friend from Cincinnati, whom we are always glad to hear. We know he is eloquent, we appreciate and enjoy his eloquence, and if oratory and eloquence settled these matters the referee board would take a back seat. (Applause.) But, Mr. President, I am not sure that eloquence and oratory do settle such matters; at least in the scientific circles which I am in the habit of bothering by my presence I have not found that eloquence and oratory count for very much. Sometimes the dullest speech is the most effective. But this is not intended as a criticism of our friend, our genial friend from Cincinnati. We like to hear him. I say that some of his arguments were met before he advanced them, owing to an unfortunate arrangement of the speeches, but there is no help for that. The answers must stand; we do not withdraw them; we believe they are in accordance with the facts. Some of the statements made by the gentleman can hardly be called arguments, and yet they are of very great importance. For example, when our friend from Cincinnati accuses the referee board of incompetency, which he has done in the most definite way. Absolutely, absolutely. Defective scientific methods, defective laboratory methods were constantly referred to, and if that does not mean incompetency on the part of the referee board I don't know what it does mean. I don't know how to answer such a statement as that. If we are incompetent, gentlemen, do not accept our results. If these gentlemen who have done this work are incompetent, that settles it. I leave that for you and others who are interested in the matter to decide. I cannot again take up the cudgels for this board. I said in my preliminary remarks that the board speaks for itself, and I am willing to leave that to the judgment of those interested in the problem.

One other point which can hardly be called an argument—our genial and oratorical friend from Cincinnati has accused this referee board of bad faith, of bias. Isn't that true?

Dr. Reed: It is.

Dr. Remsen: Undoubtedly. I am willing to leave that to your judgment. If that is true, it is only another argument to be added as to their incompetency, for of course they are incompetent if biased. I assert they are not biased, and I think my assertion is worth fully as much as that of the gentleman from Cincinnati. I don't know. I know of no analytical method that I can apply to those two points. (Applause.)

To go into details would keep us here for hours longer. Further than that, these details have never been before us, and the gentleman who has criticised us has had the great advantage, I might say, of the constant presence of our report. We have never seen this paper of our Cincinnati friend and we have never had an opportunity to examine it in detail, and therefore, even if it were considered wise by the chairman of this board or by any other member to criticise the paper we are not in a position to do so satisfactorily under the circumstances.

But I have already said that we did not come here in a controversial spirit; we are in the best of humor; we are rather enjoying this thing.

Now, those are the two points that hardly dignify his argument—the accusation that the board is in-



competent, the accusation that the board is biased; or, stated in another form, though they might be biased, they might not be incompetent, and they might be unbiased and be incompetent, but they are both incompetent and biased. That is a bad combination. You cannot expect much from that kind of a referee board. As to whether my colleagues, who have done this work that has been so wrongfully abused, care to say anything on the subject, I am not sure. During the half hour or fifteen minutes or whatever it was we have listened to these mellifluous tones my colleagues have varied in their opinions: Sometimes they thought it would be well to say a word and sometimes not, but I will leave it to them. Dr. Chittenden, do you care to say anything? That is all I want to say, gentlemen. (Great applause.)

Mr. Jones (Illinois): Mr. Chairman, it is now high noon, and these gentlemen have not had time to confer about it, and I therefore move an adjournment until two o'clock, and that we then take this matter up and finish it.

Dr. Remsen: We have very little to say; it will take but a few minutes, and so far as we are concerned we shall prefer to have the agony over. (Applause.)

Dr. Chittenden: Mr. President and gentlemen: I rise merely to refer to one or two statements which bear upon a question of fact. Dr. Reed has implied, and indeed stated before you, that the power of resistance had been increased by the forced feeding to which our subjects were exposed. I refer to that statement for two reasons. I assume Dr. Reed has read that report very thoroughly in view of various statements he has made, but I should like, in order to avoid any false impression, to call attention to the fact that the experiments conducted at New Haven were conducted under very peculiar circumstances in that feeding throughout the entire period was lower than has, I think, ever been carried on in connection with any metabolic experiment of this character. The intake of nitrogen was reduced to a very low level, and if we assume, as most physicians incline to, that high feeding is necessary to increase resistance, then, as was pointed out several times in my part of our joint report, the conditions at the New Haven experiment were peculiar in that the diet was one in which the contents of nitrogen were lower than ordinary, where of course you could expect a lowered resistance.

I would like to call attention also to another fact which I have seen so many times quoted of late, that benzoic acid is made from cow's urine, etc. That was true twenty-five or thirty years ago, but it is not true today, if I have any knowledge of chemical practice. I do not believe that one-fiftieth part or a hundredth part of the benzoate of commerce today comes from any such source. It is a question of fact; it is easily ascertained.

But, after all, there is just one word. I would like to repeat what I said at the outset, in which I think you will agree with me. In experiments of this character there must be exhibited physiological good sense in the interpretation of results. Anyone who has worked as I have—if you will allow me to put it that way—for thirty years in conducting experiments of this character—anyone knows that you cannot take the results expressed from day to day and calculate out your conclusions with the mathematical certainty or accuracy of a bookkeeper, but you must apply physiological good sense, and I should like to have

you gentlemen think of this point. When you have had subjects under any kind of experimentation from day to day, from week to week or from month to month, and have fed them with this, that or the other substance, and at the conclusion of that experiment they have not only maintained their body weight and have increased in body weight, even though they have been fed under a lower intake of food than usual, and that the physician in charge says that they are in better condition today than they were when they commenced this test, I tell you, gentlemen, those conclusions count for more than all the minutiae of chemical transitions and changes which we work out in the laboratory. I would rather have that conclusion if we can have only one. Physiological good sense applied here tells us, it would seem, in view of our results, that the deleterious effect is pretty small. (Applause.)

Dr. Long: (Applause.) Mr. President and gentlemen: There is only one point that I wish to refer to here. The statement was made in the remarks of Dr. Reed that this board delegated its work to its subordinates, and apparently to subordinates of very low character or capacity for the work. That is not the case. The work was delegated to men of the very highest ability as physiological and chemical investigators where it was not carried out by the men themselves. Dr. Chittenden and Dr. Herter I know spent a great deal of their time in the laboratory when this work was going on; and in my own case, I did not leave Chicago for five months. I was present the whole of the time from the middle of May until the middle of November. Anyone who is familiar at all with physiological experimentation knows it is absolutely impossible in work of this magnitude to carry out individually many of the determinations and many of the tests. There were thousands of tests in different directions performed here. Now, while I did not make very many of those myself, I was present in the laboratory every day, and did not miss a day during the whole four months' period. I was present there generally on Sunday also, and I am sure the same care was taken by the very eminent gentlemen working in New York and New Haven to see that tests made by them were carried out with the same degree of care and honesty. (Applause.)

Dr. Remsen: I have asked Dr. Herter if he cared to say anything, but he says he does not, so that is all the referee board has to say.

Mr. Wright: Mr. Chairman, it is now the hour for dinner, and I am another one of those fellows who think it is a good thing to have the agony over. Everybody knows what is in the minds of this convention, almost, and in order that the agony may be over I desire at this time to offer a resolution, and to move its adoption.

Dr. Reed: Mr. Chairman, I would like the floor, with the indulgence of the association, just a few minutes by way of closing.

President Emery: Briefly.

Dr. Reed: I ask for the courtesy because I believe it is a courtesy usually extended under these circumstances, to give each man an opportunity to close his argument.

I want to express my appreciation of the genial chairman of the board of referee experts. I want to say to him that there has been no imputation upon the ability, and the distinguished ability of this board of scientific experts as physiological chemists. The im-



plication of my paper is that this is a pharmacological problem, and as such it should have gone into the hands of pharmacologists. There has been no implication in my paper, but on the contrary a specific assertion to the contrary, that the gentlemen to whom these experimental works was delegated were gentlemen of marked ability, but I have complained on what I believe to be just grounds of the misinterpretation of that work. Relative to that, I leave the matter to the more deliberate judgment of the convention here or at home.

I wish to call attention to the remarks by my friend Professor Long, in which, in answering the statement that this work was delegated, specifically stated that it was delegated, and that he favored it with his presence. I am not sure that the constant attention that Professor Long gave to his work characterized the observations of the other gentlemen.

Now, we have had a reference to an experiment recently conducted in Chicago upon the preservation of decayed food by several different agents. That experiment is valuable for exactly one purpose: it shows that deteriorated foodstuff could be preserved by benzoate of soda. That is the only agent on trial here today. If the acetic acid can be used for equally disadvantageous purposes, let us by all means get after acetic acid or any other preservative that can be used, but, over and above all, let us go after a system of inspection by which all this sort of thing can be obviated. (Applause.)

Now, Professor Chittenden in his remarks rather incautiously uses the word that he has found that in the use of benzoate there were no seriously detrimental results on the general health.

If they were not seriously detrimental, then they were mildly detrimental, and being mildly detrimental in its limited application what may we expect from its cumulated result?

Now, Professor Hertter has, I think, weakened the force of the argument somewhat—and I know my distinguished friend from Baltimore will pardon the reference to controversy. Unlike him, I believe that controversy is useful, and I believe it brings out the truth, and I believe that progress has been realized by controversy, and therefore when our friend from New York states that the—constantly verifies his argument by stating that this preservative is *less* offensive than some other preservative he does by that fact concede that it is offensive. I grant you that that is a logical proposition. Now, he makes rather an unfortunate admission when he states that the 1/10 of 1 per cent he has found quite sufficient to inhibit bacteria, and yet he proposes to give this 1/10 of 1 per cent, or even other proportions, because there is no limit to this material so that you can destroy absolutely the flow (?) of the intestinal canal and thereby destroy all kinds of functional disturbance.

Now, Mr. President, that is all I have to say. I am just as delighted as my friends to be here today. We are all having a delightfully good time, and I am glad that we have had an opportunity to discuss this matter. (Applause.)

President Emery: Mr. Wright, the commissioner from Iowa, has offered the following resolution and moved its adoption. The secretary will read the resolution.

The secretary then read said resolution as follows:

**"RESOLVED, THAT THIS ASSOCIATION HEREBY ENDORSES THE REPORT OF THE REFEREE BOARD OF CONSULTING SCIENTIFIC EXPERTS APPOINTED BY SECRETARY OF AGRICULTURE WILSON BY DIRECTION OF PRESIDENT ROOSEVELT UPON THE USE OF BENZOATE OF SODA IN FOOD PRODUCTS."** (APPLAUSE.)

Dr. Woods: Mr. President, before we come to vote upon that it will be necessary for this association to decide who has a right to vote. Certainly not all this mob that is here have a right to vote in this association. (Hisses.) We are very glad to have them here—

Mr. Wright: Now, Mr. Chairman, if the gentleman will permit me, I am one of those fellows who believe in fair play. It is evident that Dr. Woods is on the opposite side from myself, I think, but he is entitled to respectful hearing. Am I right, Mr. President?

President Emery: I think so.

Hon. Arthur R. Briggs: Mr. President—

President Emery: I think the gentleman is out of order; Dr. Woods has the floor.

Hon. Arthur R. Briggs: Mr. President, I do not agree to the use of the term "mob." There are people here who are probably just as respectable as the gentleman himself. (Applause.)

Dr. Woods: I gladly withdraw the word. What I was starting to say was, I am exceedingly glad all these people are here, and I wish there could be thousands where we have tens that could hear this discussion. I am not interested in anything that is done in secret or in private in any way, but this is an association of state and national food and dairy departments, and it is necessary to draw a demarkation line squarely between that association and the general public, not to the exclusion of the general public for being here or anywhere to hear anything that this association is doing, but in taking part in the privileges of the floor and particularly in the privileges of voting it is necessary to draw a clear line of demarkation. Such line has not been drawn and, Mr. President, before any motion can be entertained of serious consequences, without stating my position, whether I am for or against this, I say we must know who has the right to vote upon this floor.

Mr. Jones (Illinois): Mr. Chairman, I understand that the secretary has made up the roll of states, and I presume that the roll should be called by states, the vote should be taken that way, and each state, or those entitled to it, allowed three votes.

President Emery: Do the by-laws call for that?

Mr. Jones (Illinois): Well, if they do not, I move that the roll of states be called upon this resolution.

Dr. Woods: I second the motion.

President Emery: Unless there is objection, that will be taken as the sense of this association. We will now hear from the secretary.

Mr. Abbott: Mr. President, I rise to a point of information. If this resolution is debatable, I want to say just a word about the resolution.

President Emery: We have passed the call of states.

Mr. Abbott: I am out of order, then, I presume?

Mr. Jones (Illinois): Mr. President, I rise to a point of order in regard to this motion. I want to know if we are right about it. There has been some controversy. As I understand it, this is an endorsement of the referee board, and the work done by them.



President Emery: The resolution is:

**"RESOLVED, THAT THIS ASSOCIATION HEREBY ENDORSES THE REPORT OF THE REFEREE BOARD OF CONSULTING SCIENTIFIC EXPERTS APPOINTED BY SECRETARY OF AGRICULTURE WILSON AT DIRECTION OF PRESIDENT ROOSEVELT UPON THE USE OF BENZOATE OF SODA IN FOOD PRODUCTS."**

Now, the secretary will give the results of his call of states.

Secretary Allen: A list of states—

Mr. Brown (Tennessee): Mr. President, have we a resolutions committee?

President Emery: Yes, sir.

Mr. Brown: Does this resolution properly come before that committee?

President Emery: We are now on a resolution which was before the house up to the time of the call of the states on the vote.

Secretary Allen: A statement of the states that have been registered to date—before calling the roll of states, I think that a condition which arose at Mackinac last year should be presented in order that the association may dispense with it. You have no committee on credentials. We have from California two men appointed by the governor as delegates to this convention; we have from California the chief of the laboratory of hygiene, food and drugs of California, charged with the enforcement of the California laws. The gentlemen who are appointed, Mr. Briggs and Mr. Diamond (?), are not connected, except under the terms of this appointment, with the food work or drug work or dairy work of that state. Mr. Briggs is president of the California State Board of Trade; Mr. Diamond (?) is, I understand from Dr. Jaffa, connected with an importing concern. Last year at Mackinac the secretary was confronted with the same application for admission to membership. Dr. Irion (?) of Louisiana had appointed as delegates to the convention Mr. Wilcox (?), connected, I think, with the board of trade of Louisiana or New Orleans, and some gentleman connected with the sugar experiment work of the experiment station. I put that matter before the convention, and upon a motion, if I remember correctly, by Mr. Flanders of New York, it was unanimously—

Mr. Jones (Illinois): Mr. Chairman, I rise to a point of order.

President Emery: State your point of order.

Mr. Jones (Illinois): I want that record here if we are going to be bound by it. I don't want anyone's representation of it. We have needed that record right along and we haven't got it. If there is a record of the Mackinac convention I think we want it.

Secretary Allen: I think all the papers—

Mr. Jones (Illinois): It makes no difference; it is not here.

Secretary Allen: Well, I think Mr. Flanders himself will bear me out. What I want to say is this—

Mr. Jones (Illinois): I rise to another point of order. This convention passed a resolution yesterday that the representatives of each state should have a vote in this convention until tomorrow night, and I presume no one knows better who represents a state than the governor of a state, and it does seem to me all this proceeding is out of order.

President Emery: I think not. I think your point of order is not well taken.

Mr. Jones (Illinois): Then I appeal from the decision of the chair.

Mr. Wright: Let me make a statement, Mr. President, that I think will clear up the whole atmosphere. The state of California is represented here by Mr. Jaffa. Is he or is he not a member of this association?

Secretary Allen: He is.

Mr. Wright: Then who cares whether the other fellows are or not? He is entitled to vote.

Mr. Arthur R. Briggs: Mr. President, I rise to a point of order. My point is this: The secretary has made a statement with reference to me that is not borne out by facts.

Secretary Allen: I beg pardon; we would like to have the facts.



DIRECTOR JAFFA  
OF CALIFORNIA  
SHOWS SEC. ALLEN  
THAT HIS COLLEAGUE'S  
CREDENTIALS  
WERE O. K.

Mr. Briggs: I am going to give you the facts. I do represent the state of California, by appointment of the governor, and if the governors of the respective states are not interested in the question of pure food then, in the name of Heaven, I ask who is. But, in addition to that, I have filed by appointment from the state dairy bureau and stand here as the representative of that bureau.

Secretary Allen: If Mr. Briggs will just let me make the point I was going to. I didn't want to bring this fuss up. But my point is this: Last year you passed upon a similar question of membership, and I was only bringing it to the attention of the association so that the association could clear up the matter as it sees fit.



Mr. Briggs: I want to make an explanation.

Mr. Jones (Illinois): Mr. Chairman, I rise to a point of order.

Mr. Briggs: I want to make an explanation. I do not want the delegates from California to be placed in a false position. Mr. Diamond is not connected in any way with any mercantile institution, and Mr. Jaffa is entitled to cast the vote of California for three, and we are here simply as representatives under our appointments. (Applause.)

Secretary Allen: It was not made clear by my statement. I was under the impression that Mr. Jaffa—I asked this morning about those two delegates and he said one was connected with an importing concern.

Mr. Jaffa: And what I meant was that Mr. Diamond was not connected with any food association, but his real position is president of the Dried Fruit Growers' Association of California.

President Emery: Are any of these gentlemen connected with the dairy or food department of the state of California officially?

Mr. Jaffa: Not as such.

President Emery: Now, I want to hear the by-laws on this point.

Mr. Jones (Illinois): May I state my point of order?

President Emery: Yes.

Mr. Jones (Illinois): My point of order is that we have had a resolution for a roll-call of states, and when a state is called then if any one has an objection to that state voting the time to offer that objection is then. We have no report of a committee on credentials. We have no way to determine this except as the roll is called, and then when the roll of states is called any member on this floor, as I understand it, has a right to object to any particular state, and we can determine then whether that state has the right to three votes or not.

President Emery: I don't think the point is quite clear to me that you make.

Secretary Allen: This is the constitution on the subject: (Reads Article X of by-laws.)

President Emery: According to the statement of Mr. Jaffa, the recognized head of the food department of California, I shall rule that the two gentlemen are not eligible to membership in this association.

Mr. Wright: Well, Mr. Chairman, may I inquire whether the roll-call on my resolution has been ordered?

President Emery: Yes, sir.

Mr. Wright: I demand the roll-call on my resolution.

(Roll-call demanded by others.)

Mr. Briggs: Mr. Chairman, I appeal from the decision of the Chair with reference to myself. I want that decided by this congress. I am the agent of the state dairy bureau, and I propose to maintain my position with reference to that appointment, not because it changes the character of our vote, because Mr. Jaffa, who represents the state, will vote the three votes, but it is a matter of precedent, and therefore I appeal from the ruling of the Chair to know whether I am entitled to vote under appointment from the state dairy bureau as its agent.

President Emery: The question is an appeal from the decision of the Chair. The question is, Shall the judgment of the Chair stand as the judgment of this association?

Dr. Woods: Mr. President, I would like to inquire how that matter can be decided—

President Emery: That must be decided by vote.

Dr. Wood: —until we have decided who has the right to vote (laughter). If the gentlemen will withdraw until we have established a list, then that can be referred back to us.

(Many delegates attempt to secure recognition by the Chair.)

President Emery: Dr. Woods has the floor.

Dr. Woods: Will the gentleman withdraw it?

Mr. Briggs: As the gentleman withdrew his offensive term, "mob," I will temporarily withdraw my appeal.

Dr. Woods: By way of explanation, I wish to say that I withdraw, not only temporarily but permanently, any ill effect of the unfortunate word "mob."

Mr. Brown (Tennessee): Mr. Chairman, we seem to be in a condition which I have seen rarely paralleled except in a political convention. (Applause.) The question came up on Tuesday afternoon, if I recall correctly, as to who was entitled to a vote. My understanding, which I admit is limited, of parliamentary proceedings is that where such questions are to be decided a committee on credentials shall be appointed. I therefore would ask that Mr. Wright forbear for the present the pressing of his roll-call, and that the Chair appoint, or let there be elected—no, that won't help any—let the Chair appoint a committee on credentials. Now, gentlemen, plain talk is always best. There seem to be two factions here. I feel sure that we can all benefit—

Dr. Dillon: Mr. Chairman, I rise to a point of order. I insist that there is nothing before this convention except the resolution, which has been seconded. A motion to adopt the resolution has been seconded, and I insist there is nothing further before the house.

(Roll-call demanded by many delegates.)

President Emery: I am inclined to think we must put this roll-call and that the other is not a question of privilege.

Mr. Bird: Mr. President, I was not in the room, and may I ask to have the question stated?

President Emery: The question is on the motion by Mr. Wright, which is as follows:

**"RESOLVED, THAT THIS ASSOCIATION HEREBY ENDORSES THE REPORT OF THE REFEREE BOARD OF CONSULTING SCIENTIFIC EXPERTS APPOINTED BY SECRETARY OF AGRICULTURE WILSON BY DIRECTION OF PRESIDENT ROOSEVELT UPON THE USE OF BENZOATE OF SODA IN FOOD PRODUCTS."**

Dr. Woods demanded a roll-call of the states to ascertain who was entitled to a vote, and the question of the state of California, as to who was entitled to vote from that state, was determined by the ruling of the Chair. It was held that Mr. Jaffa was entitled to the vote of that state.

Mr. Bird: Mr. President, I beg leave to say just a word, and there will not be an argument in it so far as the merits of this resolution are concerned. May I do it with mutual consent?

(There being many expressions of consent and no objection, Mr. Bird proceeded as follows:)

My reason is just this: We have a committee on resolutions, and in my judgment when that committee on resolutions reports regularly everybody in this association will be amply satisfied with its report. Now, to bring this matter up out of order—I beg par-



don, I will withdraw that, because it may be offensive, but to bring this up at this time before the committee on resolutions has reported at all seems to me not to be conducive to harmony in this convention, and harmony is the one thing we want to maintain in the future. Now, even if you do not believe a single word I am saying to you about the report of that committee on resolutions, you will have ample time after the committee does report to move a substitute or change that report. Now, in view of that I am going to ask, in the interest of this association, gentlemen, not today or tomorrow but for the years to come—I am going to ask Mr. Wright temporarily to withdraw that resolution. (Applause.)

Mr. Wright: Mr. Chairman, there never has come before this association a question of importance anywhere near equal with this. I hold that I have every right as a member of this association, and my right as a member of the association has not been questioned—I hold that I have every right, at this or any other time, to offer any resolution that suits me, as every other member has a right to vote against it if it does not suit him. But why refer this matter to the resolutions committee? It is possible that they may kill it, that they may pocket it. I may then be put in the shape of having to offer it tomorrow afternoon after half the membership has gone home. I have a right to offer this resolution. Every man has a right to vote for or against it, and I do not intend to be pocketed by the resolutions committee, if that is their intention. I do not intend to be put in the place of having to offer a resolution contrary to one which they may offer at that time.

(Roll-call demanded by many delegates.)

Mr. McCabe: Mr. President, there has been one statement made by Mr. Briggs that has been absolutely overlooked. Mr. Briggs stated specifically that Mr. Jaffa, who is admitted to be a member, would cast the vote of that state. Now, where is the question on California?

(Roll-call demanded.)

President Emery: Shall we have a ballot or shall it be a viva voce vote?

Secretary Allen: California—

Mr. Wright: If this roll-call is to be alphabetical, there are other states that would come prior to California.

Secretary Allen: I was only reading the states that had been registered to date. (Continuing roll-call.)

Alabama, Arizona, (Three votes for resolution.)—

President Emery: Objection is made to the receiving of the vote of Arizona.

Mr. Jones (Illinois): I beg pardon, but what is the objection?

President Emery: State the objection.

Secretary Allen: The membership, as I tried to get clear a while ago, of this association, has not been fixed and must be before votes can be had. Let me read once and for all what constitutes the ex-officio membership of the association—

Mr. Dillon: I insist upon a roll-call.

President Emery: We are going to have the roll-call of this association as provided by the constitution.

Mr. Wright: Certain people or states are members of this association whether we want them to be or not.

President Emery: Certainly.

Mr. Wright: Now, when the state is called, if some individual from Iowa attempts to vote in my place I am going to make a kick about it. That is the time

to settle whether I am entitled to vote or whether he is entitled to vote.

President Emery: Well, I think the association determines who constitute the members of this body under the constitution and the by-laws.

Mr. Wright: And if some non-member attempts to vote, that is the time to stop him.

President Emery: That question has come up now on the state of Arizona. I rule against the vote of Arizona at this time.

Mr. Wright: On what grounds?

President Emery: On the grounds that Arizona, as I understand it, has not an official state pure food department.

Mr. Wright: Is there a person here desiring to vote for Arizona?

President Emery: Yes, sir.

A Delegate: I object.

Mr. Wright: What are his credentials, if he has any?

Delegate from Arizona: They are filed with the secretary.

Secretary Allen: The gentleman from Arizona has credentials from the governor which provide that he is eligible to membership in this convention and is not an ex-officio member.

Mr. Jones (Illinois): Mr. Chairman, if there is no other difficulty, I should think the governor of the state would have the right to say about that, and I should think this gentleman represents the interests of that state, and if there is no question about it I move that he be seated as a delegate to this convention. (Seconded.)

President Emery: That question will come again when the roll-call of states is made.

Dr. Woods: Mr. President, this motion now before us is out of order, as it cannot be decided by anybody in connection with this convention until the membership is established.

Dr. Bryan: Mr. President, may I state something in regard to the history of this—

Mr. Dunlap: Mr. President, I move that we recess until two o'clock. (Seconded.)

President Emery: The motion is for an adjournment until two o'clock, which is in order.

(Many delegates attempt to secure recognition by the chair.)

President Emery: You are out of order, gentlemen. The motion is not debatable.

Mr. Wright: I want to call for a roll-call on that, Mr. Chairman. (Laughter.)

President Emery: Very well, we will have a roll-call.

Mr. Worst: Mr. Chairman, you understand, a good many of you at least, that the first duty of any convention is, before it can take any vote or entertain any motion, except it is a usual viva voce affair, to fix the status of its voting power, and you cannot take a vote on anything until you appoint that committee on credentials.

Mr. Wright: Mr. President, may I ask a question? Was it or was it not decided on Tuesday of this week that I was a member of this association?

President Emery: I think the constitution decides you were a member of this association because you represented the dairy and food commission of Iowa.

Mr. Wright: There is no question about me, then?

President Emery: I think not.



Mr. Wright: Is there any question about Mr. Allen or yourself or any one of those other gentlemen?

President Emery: I think not. The ruling of the chair on that point is this, that, technically, the by-laws on membership plainly give membership to those who are members of state official dairy and food departments, and so in the department of agriculture. Secretary Wilson is the head of that department. They are distinct departments. But where there is no such department this person is eligible to membership or election to this association if the governor recommends him for that.

A Delegate: Mr. Chairman,—

President Emery: Mr. Wright has the floor.

Mr. Wright: Mr. President, I have stated several times that I am anxious to have this matter straightened up amicably and to the satisfaction of all. I want to know whether right now there are not some twenty-five or thirty states, or some number, about whose right to vote there is no question on the part of anyone.

Secretary Allen: Yes.

President Emery: There certainly is.

Mr. Wright: The last motion was made on an appeal from the chair relative to Arizona. Now, it seems to me that Arizona at this time has no right to vote. The question to be decided is whether we shall give them that right to vote or not. If we give it they have the right to vote, if we do not give it they do not have it, but we have a right to vote, and you have, and Mr. Woods, and some of these other people, so let us settle it.

President Emery: That is the only way to do. Those states about which there can be no controversy must settle the question of admitting delegates from other states to membership.

Mr. Bird: Mr. President, it is pretty hard to get harmony in this convention; I don't know whether we are going to do it or not. Is not this fair—to adjourn until a specified time, one o'clock or two o'clock, and make that a special order for the report of the committee on resolutions. (Several voices of protest.)

Now, I have another reason for that. You will find if we go and eat our lunches we will come back here with plans in our minds whereby we can get along without friction. I don't think we are going to do it just now.

Dr. Dillon: Mr. President, I rise to a point of order. The roll-call of states has been called for, and you have called two states, and you should not allow an interruption of the roll-call under any circumstances that I know of to entertain resolutions or motions or anything else.

President Emery: And as the roll has been called there have been objections made to the reception of a vote.

(Several voices: Proceed with the roll-call.)

Mr. Flanders: Mr. President, I think if the roll-call is proceeded with, votes can be protested, and when we are through if there are any votes to be objected to, let them be objected to, and let the chair rule, and then if we disagree we can appeal from his decision and settle that question. (Several voices: That is right.)

(Roll-call demanded.)

Secretary Allen: California,—

A Delegate: What is the motion?

President Emery: The question is upon the adoption of the resolution as offered by Mr. Wright.

A Delegate: The motion is to adjourn.

President Emery: I think the gentleman is right about it. A motion to adjourn is always in order, and a motion to adjourn is not debatable.

Mr. Cannon: Mr. President, do you hold that a motion to adjourn is in order pending a roll-call?

President Emery: It was made prior to the roll-call.

Mr. Cannon: The motion was made to adjourn.

President Emery: I don't think a motion to adjourn is in order pending a roll-call.

Mr. Wright: Might it not expedite matters to have a rising vote on the question of adjournment?

Dr. Dillon: I make the point of order, Mr. President, that there is nothing before the house except a roll-call.

Secretary Allen: California (3 votes for); Colorado (3 votes for); Connecticut (3 votes for).

Mr. Potter (Connecticut): I claim the whole thing is out of order.

(Demands to proceed with roll-call.)

Mr. Potter (Connecticut): Roll-call on what?

President Emery: The roll-call is on the voting for this resolution, and I did not understand the vote of the gentleman from Connecticut.

Mr. Potter: The vote from Connecticut was three votes in favor of adjournment. (Laughter.) I question whether you can take any action on a resolution when there is a motion for adjournment.

President Emery: The motion to adjourn, I think, was made pending the roll-call, and as such, I think it was out of order. Am I right?

(Several voices: You are right.)

Mr. Potter: Will you please inform me what I am to vote on?

President Emery: The resolution is: (Repeats resolution offered by Mr. Wright.)

Mr. Potter: Connecticut votes no.

Secretary Allen: Delaware. (No response): District of Columbia (3 votes for); Florida (3 votes against); Georgia (3 votes for); Idaho (3 votes for); Illinois (3 votes for); Indiana (3 votes against); Iowa (3 votes for); Kansas,—

Mr. Crumline: Mr. Chairman, I desire to speak a word of explanation of Kansas vote. While Kansas has the best regard for this committee and for their work, still we feel that the work has not been broad enough in its findings. We feel also that an endorsement of this resolution—

Mr. Jones (Illinois): Mr. President, I rise to a point of order. There should be no address made here during this roll-call. I object to the remarks.

President Emery: I think he has a right to explain his vote.

Mr. Jones (Illinois): Not without permission of the house.

President Emery: Do you want a roll-call on that?

Mr. Jones (Illinois): Yes, sir, if it is recorded I do. If we start out each one to explain his vote we wouldn't get through here today.

Mr. Crumline: Well, I want the reason for our vote to go before the public.

President Emery: I hold the gentleman has a right to explain his vote.

Mr. Jones (Illinois): Mr. Chairman,—

President Emery: I think Mr. Jones is out of order.



Mr. Jones (Illinois): Mr. President, I rise to a point of order.

President Emery: State your point of order.

Mr. Jones (Illinois): The point of order is this—that we have had both of these reports here; that this convention is well informed as to everything that has been done, and that no gentleman has a right in any deliberative body I have ever been in, unless by mutual consent, to explain his vote, and I object to it. I do not want to appeal from the decision of the chair, but if I am compelled to do it I will do it.

President Emery: Mr. Worst, I want to ask your opinion on that. Mr. Worst is an experienced officer—

Mr. Worst: Well, I don't want to be called any such name as that. There is no deliberative body, except there is a rule expressly prohibiting it, but what a man can always explain his vote. He has a right to do it.

Mr. McCabe: Mr. President, will you recognize me just a moment? Let us get somewhere on this. We are either for the resolution or against it. I would ask Mr. Jones of Illinois to withdraw his objection and to allow the gentleman, within reasonable limits, to explain his vote.

Mr. Jones (Illinois): I think I am in accord with the rules of parliamentary proceedings, but in the interest of harmony, if you have any, I will withdraw it.

Mr. Crumbine: Mr. President, I do not desire to be offensive to this association for any purpose, or for the purpose of airing my own views, and I shall not touch upon that question, except to say that I do not believe the resolution is in a form so as to give to the public all over this country, as it will be given, the real idea which it should convey. I believe, as a board of health man, with Dr. Reed, that this is more of a pharmacological question. I think the experiments should continue. In other words, I do not think it has been decided. There are two different committees, and I think the work has been very excellently done, from different viewpoints, and some other work should be done, and therefore Kansas desires to vote no.

Secretary Allen: Kentucky (3 votes against); Louisiana (3 votes for); Maine (3 votes against); Maryland (no response); Massachusetts (3 votes for); Michigan,—

Mr. Bird: Mr. President, until the resolutions committee makes its report Michigan is present but respectfully declines to vote.

Secretary Allen: Minnesota (3 votes against); Missouri (3 votes for); Montana,—

A Visitor: Montana's delegates are on the way but are not here yet. They would vote no if they were here. (Laughter.)

Secretary Allen: Nebraska (3 votes for); Nevada (3 votes for); New Hampshire (no response); New Jersey (3 votes against); New York (3 votes for); North Carolina,—

Dr. Allen (North Carolina): Mr. President, as this resolution has not been before the resolution committee. I don't think it is the proper time to act upon it. I think this is not the proper time for the resolution. North Carolina votes no.

Secretary Allen: North Dakota (3 votes against); Ohio,—

Mr. Dunlap: Mr. President, Ohio respectfully refuses to vote until we have the report of the resolutions committee.

Secretary Allen: Oklahoma (3 votes for); Oregon (no response); Pennsylvania,—

Mr. Foust: Pennsylvania declines to vote at this time until the resolutions committee makes its report. Three votes not voting.

Secretary Allen: Rhode Island (3 votes against); South Carolina (no response); Tennessee,—

Mr. Brown: Tennessee votes no pending the settlement of this question by the resolutions committee.

Secretary Allen: Texas,—

Mr. Abbott: Texas votes no pending the report of the resolutions committee.

Secretary Allen: United States Department of Agriculture,—

Mr. McCabe: Mr. President, United States Department of Agriculture and other members present. 10 out of the 11 voting, 3 votes in favor of the resolution.

Secretary Allen: Utah (3 votes for); Vermont (no response); Virginia (no, pending report of resolutions committee); Washington (3 votes for); South Dakota,—

Dr. Cook: Mr. President, I desire to explain, as there are some grave questions in my mind on this point, that I believe the board has given us the best light we have, and I hope we may get more light in the future. In view of all I have before me I vote in favor of the resolution.

Secretary Allen: Wisconsin (3 votes against); Wyoming (3 votes for); New Mexico (3 votes for),—

President Emery: New Mexico should not have been called. There is objection to New Mexico.

A Delegate: Are we correct in supposing that three votes are cast by each state whether it is so declared or not?

President Emery: Yes.

The Delegate: And without regard to whether the three votes are declared or not for that state?

President Emery: Yes.

Secretary Allen: I have the roll-call: 55 to 45 in favor of the resolution.

Mr. Jones (Illinois): I would like to have the vote announced so that we can hear it.

President Emery: The stenographer will read the vote as cast, and if there is any error in the record of votes as cast they will be corrected instantly.

Secretary Allen: Arizona 3 votes,—

President Emery: That was protested and not recorded.

Mr. Jones (Illinois): In order that this matter be determined, if they cannot determine, I move that two tellers be appointed.

President Emery: We were just waiting to have the stenographer read the vote to have it verified.

Secretary Allen: The tally that I have is: (Repeating vote by states.) Total for, 57; total against, 42.

President Emery: The resolution is adopted.





EDITORS NOTE.—AS A MATTER OF REFERENCE WE HEREWITH PRESENT TO OUR READERS THE RECORD OF STATES VOTING ON THE RESOLUTION.

THOSE VOTING FOR THE RESOLUTION:

CALIFORNIA	NEBRASKA
COLORADO	NEVADA
DISTRICT OF COLUMBIA	OKLAHOMA
GEORGIA	NEW YORK
IDAHO	SOUTH DAKOTA
ILLINOIS	UNITED STATES DEPT.
IOWA	OF AGRI.
LOUISIANA	UTAH
MASSACHUSETTS	WASHINGTON
MISSOURI	WYOMING

NINETEEN (19) STATES OR DEPARTMENTS VOTING THREE VOTES EACH TOTAL OF..... 57

THOSE VOTING AGAINST THE RESOLUTION:

CONNECTICUT	NEW JERSEY
FLORIDA	NORTH CAROLINA
INDIANA	NORTH DAKOTA
KANSAS	TENNESSEE
KENTUCKY	TEXAS
MAINE	VIRGINIA
MINNESOTA	WISCONSIN

FOURTEEN (14) STATES OR DEPARTMENTS VOTING THREE VOTES EACH TOTAL OF..... 42

THOSE PRESENT BUT REFUSING TO VOTE:

MICHIGAN	PENNSYLVANIA
OHIO	

THREE (3) STATES OR DEPARTMENTS REFUSING TO CAST THEIR VOTES TOTAL OF..... 9

ARIZONA AND NEW MEXICO SHOW A VOTE OF THREE (3) EACH IN FAVOR OF THE RESOLUTION BUT NOT COUNTED.

[Ed. Note.—The records of the proceeding shows that some one voted no for Rhode Island, but as no delegates were recorded as present from Rhode Island it was not counted.]

Mr. Wright: Mr. Chairman, I move that we adjourn until three o'clock. It is now one o'clock.

President Emery: Unless objection is made this will be taken as the sense of the meeting. This body is now adjourned until three o'clock this afternoon.

Mr. Foust: It is now one o'clock. That motion is not seconded. I desire to make a motion at this time. I desire to move that we adjourn until 2:30 and that



the first order of business be the report of the committee on resolutions.

Mr. Wright: I second the motion to adjourn. (Motion seconded by others.)

Secretary Allen: The question is on the tabling of the resolution.

Mr. Wright: No, it is on the motion to adjourn until two-thirty.

Mr. Cannon: I ask for a division of the question.

President Emery: I think the motion should be divided.

Mr. Foust: Then, Mr. President, I will change that motion, that the first order of business when we meet this afternoon be the report of the committee on resolutions. (Seconded.)

President Emery: It is moved and seconded that the first order of business when we meet this afternoon be the report of the committee on resolutions—

Dr. Dillon: Mr. President, there is a motion to adjourn before the house.

President Emery: I think not. Now, here is the question of the vote. How will we vote, gentlemen?

(Several voices: "Viva voce.")

President Emery: If there are no objections this will be taken as the sense of this association—that that be the order of business at 2:30 this afternoon. (No objection.)

The association stands adjourned until that time.

#### AFTERNOON SESSION.

**Thursday, August 26, 1909, 2:30 O'Clock p. m.**

President Emery: The association will please come to order. Will the gentleman who wished to make an announcement please come forward and make it. (Announcement redistribution of cantaloupes, etc.)

President Emery: The first order of business this afternoon is the report of the committee on resolutions.

Mr. Wright: Mr. Chairman, I do not want to occupy all of the time of this convention, but would it not be wise to take up the question of the acceptance or rejection of the gentleman from Arizona?

President Emery: I think the special order of business takes precedence of anything else.

Dr. Dillon: Then, Mr. President, I move that the order of business be transposed and that the eligibility of the gentleman from Arizona be determined.

President Emery: Do you want to spend the time of the convention on roll-calls?

Mr. Worst: Mr. President, in deliberative bodies no minor action can be substituted for a major action. Now, this order of business was established by unanimous consent, and nothing but unanimous consent can change it.

Mr. Jones (Illinois): Mr. President, I do not understand the order of business in regard to the resolutions. Is that what the gentleman has reference to?

President Emery: Yes, sir, the first order of business this afternoon, the report of the committee on resolutions, was by unanimous consent. Is the committee on resolutions ready to report, Dr. Woods?

Dr. Woods: Your committee has received various resolutions which it has acted upon, and with one exception they come to you with the unanimous endorsement of the committee. When there is only a minority endorsement in favor of the one I will call your attention to that. I wish that we could have had that

resolution that we passed just before lunch referred to us, where I am very sure that by a change of a couple of words it would have been thoroughly satisfactory to the gentleman who introduced it and would have been possible for us to give it a unanimous endorsement instead of the pseudo-endorsement it obtained. And I also trust, Mr. President, that in subsequent meetings of this association it will be possible for reso-



DR. C. J. WOODS.

lutions to take their normal course and go to the committee on resolutions so that matters that are a little bit in dispute can be properly adjusted. I think every resolution we have here that is unanimously reported by this committee will probably receive your practically unanimous endorsement.

**RESOLVED, THAT THIS ASSOCIATION EXPRESS ITS CONFIDENCE IN AND ITS ENDORSEMENT OF PRESIDENT TAFT, EX-PRESIDENT ROOSEVELT AND THE SECRETARIES OF AGRICULTURE, COMMERCE AND LABOR AND OF THE TREASURY FOR THEIR EFFORTS WHICH HAVE BEEN AND ARE BEING MADE TO SECURE SCIENTIFIC, JUST AND LEGALLY CONCLUSIVE SETTLEMENTS OF THE INTRICATE PROBLEMS OF FOOD LAW ADMINISTRATION.**

For the committee I move its adoption.

President Emery: You have heard the resolution as read, and Dr. Woods has moved its adoption. Is there a second? (Seconded.)

It is moved and seconded that this resolution be adopted. We have a constitution that calls for all votes to be by states.

Mr. Jones (Illinois): Mr. Chairman, I move that the roll-call of states be dispensed with, and that we vote viva voce. (Seconded.)

President Emery: I am willing to take this upon this basis as presiding officer. I wish to state, gen-



lemen, this thing. I am here with a purpose of giving every member of this association who has a right to be here as a member an opportunity to express his judgment on the questions that come before this convention. I understand that to be my duty as presiding officers. Now, if this resolution can be accepted by unanimous consent, I am willing for it to go in in that way

Dr. Woods: By unanimous consent, with a majority?

President Emery: Yes; but who will vote?

Dr. Woods: I am very sure that every one of us here are gentlemen, and that no man will hold up his hand or say "aye" here in this hall who is not entitled to a vote. I am sure we are all gentlemen.

President Emery: Well, I will call this a viva voce vote if I may do it by unanimous consent. As many as favor this—and this to the delegates—will please rise; those of the contrary opinion will please rise. The resolution is adopted.

Dr. Woods then read the following resolution:

"WHEREAS, THE WHISKEY QUESTION IS NOW IN THE HANDS OF THE PRESIDENT OF THE UNITED STATES; AND

"WHEREAS, IT MIGHT BE A MARK OF DISRESPECT FOR THIS CONVENTION TO DISCUSS THIS QUESTION AT THE PRESENT TIME; THEREFORE BE IT

"RESOLVED, THAT ALL DISCUSSION OR PAPERS ON THIS TOPIC BE ELIMINATED FROM THE PROGRAM OF THIS CONVENTION, AND THAT THE ASSOCIATION TAKE NO ACTION IN THIS MATTER."

Dr. Frear: Mr. President, I move the adoption of that resolution by viva voce vote. (Seconded.)

The motion was thereupon put by the chair, and carried.

Dr. Woods thereupon read the following resolution:

"RESOLVED, THAT THIS ASSOCIATION RESPECTFULLY ASKS THE PRESIDENT OF THE UNITED STATES AND THE HONORABLE SECRETARY OF AGRICULTURE, IN ADDITION TO THE INVESTIGATIONS ALREADY BEGUN UNDER THEIR DIRECTIONS, TO INSTITUTE FURTHER STUDIES CONCERNING THE USE OF PRESERVATIVES AND ALONG THE BROADEST LINES."

Mr. Jones (Illinois): I move the adoption of the resolution.

Mr. McCabe: I second the motion.

President Emery: Is there any objection to my calling for this vote by acclamation?

(No objection, and question called for.)

The motion was thereupon put by the chair and carried unanimously.

Dr. Woods thereupon read the following resolution:

"WHEREUPON, THIS ASSOCIATION RECOGNIZES THE VAST BENEFITS ACCRUING TO CONSUMERS. AND THE IMPROVED CONDITIONS RESULTING TO MANUFACTURERS OF FOOD PRODUCTS, FROM THE PASSAGE AND ENFORCEMENT OF THE NATIONAL FOOD AND DRUGS ACT, APPROVED JUNE 30TH, 1906, AND

"WHEREAS, REALIZING THAT THE INTERESTS OF CONSUMERS, MANUFACTURERS AND FOOD OFFICIALS ARE IDENTICAL, AND THAT THE GROWTH AND DEVELOPMENT OF OUR INTERNAL AND INTERSTATE COMMERCE DEPEND UPON AMICABLE ADJUSTMENT OF CONFLICTING STATE REGULATIONS; THEREFORE BE IT

"RESOLVED, THAT THIS ASSOCIATION HEREBY ENDORSES THE NATIONAL FOOD AND DRUGS ACT OF JUNE 30TH, 1906, AND THE SUBSTANTIAL RESULTS OBTAINED UNDER ITS WORKINGS IN COOPERATION WITH THE STATE FOOD LAWS; AND

"BE IT FURTHER RESOLVED, THAT THIS ASSOCIATION EARNESTLY COMMENDS FULL COOPERATION BETWEEN THE NATIONAL AND ALL STATE FOOD

#### LAWS TO THE END OF GREATER EFFICIENCY IN FOOD CONTROL WORK."

Mr. Jones (Illinois): I move the adoption of the resolution.

Secretary Allen: I second the motion.

President Emery: You have heard the motion for the adoption of the resolution as read; is there any objection to voting upon this by acclamation? (Question called for.)

The motion was thereupon put by the chair, and carried unanimously.

Dr. Woods thereupon read the following resolution:

WHEREAS, WE HAVE INFORMATION THAT AN EFFORT WILL BE MADE AT THE NEXT SESSION OF CONGRESS TO SECURE THE PASSAGE OF AN AMENDMENT TO THE LAW NOW IN FORCE REGULATING THE SALE OF OLEOMARGARINE,

WHEREAS, THE FEDERAL LAWS NOW EXISTING FOR THE REGULATION OF THE SALE OF OLEOMARGARINE ARE IN OUR JUDGMENT DEFECTIVE, AND DO NOT PROTECT THE PEOPLE AS THEY SHOULD AGAINST THE SALE OF OLEOMARGARINE AS BUTTER, THEREFORE

RESOLVED, BY THIS ASSOCIATION, THAT IN OUR JUDGMENT THE FOLLOWING CHANGES IN THE OLEOMARGARINE LAW ARE NEEDED:

1. THE FEDERAL ACT DISTINGUISHES IN ITS TREATMENT COLORED FROM UNCOLORED OLEOMARGARINE, BUT ITS DEFINITION OF THE COLORED OLEOMARGARINE IS SO NARROW THAT BY THE USE OF IMPROVED PROCESSES A VERY LARGE QUANTITY OF OLEOMARGARINE RESEMBLING YELLOW BUTTER IN COLOR ESCAPES CLASSIFICATION AS COLORED OLEOMARGARINE AND IS TREATED AS AN UNCOLORED PRODUCT. THAT IS TO SAY, THE FEDERAL ACT DOES NOT CLASS OLEOMARGARINE AS COLORED UNLESS THE COLORATION BE EFFECTED BY THE ADDITION OF A DISTINCT DYE STUFF, YET, BY THE USE OF HIGH COLORED FATS, OR OF SPECIAL PROCESSES OF THE TREATMENT OF THE FATS, A YELLOW OLEOMARGARINE MAY BE PRODUCED, AND, BECAUSE OF THE NARROW TERMS OF THE ACT AT THE POINT MENTIONED, BE CLASSED AND TAXED AS UNCOLORED OLEOMARGARINE. THE RESULT OF THIS CONDITION IS THAT THE CONSUMER IS COMMONLY DECEIVED INTO THE BELIEF THAT THE ARTICLE IS BUTTER, AND THE VENDOR IS GIVEN OPPORTUNE GROUNDS FOR A CLAIM THAT HE HAS BEEN MISLED. THE ACT SHOULD BE AMENDED BY SO DEFINING COLORED OLEOMARGARINE THAT IT SHALL INCLUDE ALL BUTTER SUBSTITUTES THAT SHALL HAVE BEEN CAUSED TO RESEMBLE YELLOW BUTTER, NO MATTER HOW—WHETHER IT BE BY THE ADDITION OF BUTTER ITSELF, THE USE OF OTHER FATS OF YELLOW COLOR, BY THE ADDITION OF DYE STUFFS, OR BY SUCH TREATMENT OF INGREDIENTS AS EFFECT THE YELLOW COLORATION OF THE PRODUCT.

2. THE PROVISION THAT AN OFFENDER MUST BE PROVEN TO HAVE "KNOWINGLY" VIOLATED THE LAW IN ORDER TO SECURE CONVICTION SHOULD BE STRICKEN OUT.

3. REVENUE COLLECTORS SHOULD NOT BE INSTRUCTED NOR PERMITTED TO COMPROMISE OR SETTLE CASES GROWING OUT OF VIOLATIONS OF THE LAW. WHEN THE OFFENSE IS APPARENT AND THE PROOF IS AVAILABLE, THE CASE SHOULD BE DISPOSED OF BY THE COURTS HAVING JURISDICTION.

4. THE LAW SHOULD REQUIRE THAT ALL STAMPS, BRANDS, ETC., PLACED UPON PACKAGES OF OLEOMARGARINE FOR THEIR IDENTIFICATION SHALL BE SO CONSPICUOUS AND PLAIN AS TO PREVENT THEIR CONCEALMENT.

5. APPLICANTS FOR REVENUE LICENSE SHOULD BE REQUIRED TO CERTIFY THAT THE LOCATION GIVER FOR THEIR PLACE OF BUSINESS IS TRUE AND CORRECT, AND IF OLEOMARGARINE IS SOLD BY THE APPLICANT AT ANY OTHER LOCATION THAN THAT DESIGNATED IN THE REVENUE LICENSE, SUCH SALE SHOULD BE MADE A MISDEMEANOR.



RESOLVED, THAT COPIES OF THESE RESOLUTIONS BE SENT TO THE PRESIDENT OF THE UNITED STATES AND TO THE COMMITTEES OF AGRICULTURE OF BOTH THE HOUSES OF CONGRESS.

Mr. Foust: Mr. President, I move its adoption. (Seconded.)

President Emery: You have heard the motion that the resolution as read by Dr. Woods be adopted. Is there any objection to this motion being put by acclamation?

Mr. Brown (Tennessee): Does the committee recommend that as a majority report?

Dr. Woods: That is recommended as a majority report by the committee, yes, sir.

(Question called for.)

The motion was thereupon put by the chair, and carried unanimously.

President Emery: We are getting into a wonderfully unanimous state of mind.

Dr. Woods: This that I am now going to read to you is recommended by a minority report, but the resolution itself would be endorsed by the whole committee. In its preamble we had considerable doubts about talking about a ten-cent tax on oleomargarine, and yet the introducer of the resolution preferred to have it come to you with a minority report, worded in that way:

(Reads.)

"WHEREAS, IT IS INIMICAL TO THE INTERESTS OF THE PEOPLE OF THE UNITED STATES TO DECREASE THE TAX ON COLORED OLEOMARGARINE, AS PROVIDED BY THE TERMS OF THE 'GROUT' LAW; THEREFORE BE IT

"RESOLVED, THAT WE EARNESTLY PROTEST AGAINST SUCH ACTION; AND BE IT FURTHER"

This that comes now has the unanimous consent, I think, of the committee:

"RESOLVED, THAT WE RESPECTFULLY PETITION PRESIDENT TAFT THAT IN HIS MESSAGE TO CONGRESS ON THE OCCASION OF ITS CONVENING IN DECEMBER NEXT, THAT HE INVITE ESPECIAL ATTENTION OF CONGRESS TO THIS IMPORTANT SUBJECT AND SUGGEST PROPER REMEDIAL LEGISLATION TO SAFEGUARD THE GREAT INTERESTS AND AID IN PROTECTING CONSUMERS FROM THE ILLEGAL AND FAUDULENT SALE OF OLEOMARGARINE AS AND FOR BUTTER."

Mr. Foust: Mr. President, I also move the adoption of this resolution.

Mr. Jones (Illinois): I second the motion.

President Emery: You move the adoption of the resolution and the preamble as read?

Mr. Foust: Yes, sir.

President Emery: Are there any objections to taking this vote by acclamation?

(Question called for.)

The motion was thereupon put by the chair, and carried unanimously.

Dr. Woods thereupon read the following resolution:

"RESOLVED, THAT THIS ASSOCIATION EXPRESSES ITS HEARTFELT APPRECIATION AND GRATITUDE TO ALL THOSE WHO HAVE CONTRIBUTED SO BOUNTIFULLY TOWARD THE MAKING OF ITS MEETING IN THIS CITY OF DENVER SUCH A SPLENDID SUCCESS; AND BE IT FURTHER

"RESOLVED, THAT TO HONORABLE WILBUR F. CANNON, FOOD COMMISSIONER, AND HONORABLE R. L. COCHRAN, DAIRY COMMISSIONER, OF COLORADO, WE EXTEND OUR FELICITATIONS FOR THEIR UNTIRING EFFORTS AND BOUNDLESS HOSPITALITY WHICH HAVE CHARACTERIZED EVERY EVENT OF OUR GENEROUS ENTERTAINMENT."

Dr. Woods: Mr. President, I move that every person present who has shared in the hospitality of this great city be given the privilege of voting upon this resolution by rising. (Seconded.)

The motion was thereupon put by the chair, and carried unanimously by a rising vote.

President Emery: If there is anyone who has a different opinion he is at liberty to stand.

(Mr. Cannon called for.)

Dr. Bryan: Mr. Chairman, I move the adoption of the resolution. The motion was merely to extend the vote, I believe, of all those present.

Mr. Jones (Illinois): Is there a motion before the house?

President Emery: Dr. Bryan seems to think there is, and if it is satisfactory to the convention I will put this again. All in favor of the last resolution offered by Dr. Woods say "aye;" those of contrary opinion say "no." The "ayes" have it and the resolution is adopted unanimously.

Mr. Wright: Now, Mr. Chairman, may I break in to the game again with the question in regard to the admission of the gentleman from Arizona?

President Emery: Yes. Now, I wish to state, for the purpose of saving time, the attitude of the presiding officer of this association at this time. In the part of the by-laws relating to membership it provides for naming different officers, those that are ex-officio members and those that are eligible to membership. Now, these offices exist in the states under various names, and it is my ruling, I hold, that it is unquestioned that those persons that are attached to those officers and come here with the recommendation of the department—it is the unquestioned intent of those by-laws that those persons associated with those departments shall be members of this convention under whatever name that comes. It is an organization of State and National Dairy and Food Departments, and that idea is paramount in the by-laws.

Now, there is another provision, and so my ruling is—my duty is done then—that all such persons are unquestionably members of this association without any necessity of voting, but when there is no State Dairy and Food Department in a state and a person comes here recommended by the governor then he is eligible to membership, but to become a member he must be elected to membership by those who have the unquestioned right to elect him to membership. Now, that is the attitude of your presiding officer, and I make this statement that we may avoid any unnecessary waste of time.

Dr. Dillon: Then, under the ruling of the chair and Section 2, Article X of the by-laws, I move that the gentleman from Arizona who holds a commission from the governor be elected to membership in this association.

Secretary Allen: I second the motion.

President Emery: You have heard the motion; are there any remarks?

(Question called for.)

President Emery: I think this calls for a vote of the states.

Mr. Jones (Illinois): Mr. Chairman, I think we are all agreed to that, but—

President Emery: You may appeal from my decision, but I simply say, as presiding officer, that I intend to give every man who has a right to vote here



the opportunity to determine who has a right to vote in this convention. My duties are performed then, but it is my duty to do that.

Dr. Woods: Mr. President, I move that the vote be taken viva voce if there is no objection. (Seconded.)

President Emery: Unless there is objection made, this will be taken as the sense of the association, that this be taken viva voce, and by call of the states. Now, Mr. Allen, will you call the states, and as the roll is called the person authorized to speak for the state will get a record of his vote. That is the way I understand this viva voce vote here.

Mr. Flanders: Mr. President, we have taken a number of viva voce votes today and this is the first time—

President Emery: I thought we had voted by acclamation.

Mr. Flanders: Then I would like to say one other word relative to Section 2 in this matter. I feel I have a right to, gentlemen, because I drew that section thirteen years ago in Detroit myself, and we discussed this matter pro and con at that time. The intention of the committee that drew it and the body that adopted it was that certain men should be ex-officio members, and it included them all in the same class, and among them were deputies, where I would be classed, and in my judgment, if the gentleman from Arizona is not a member entitled to vote here I am not, and I want to read the wording of it:

**"SECTION 2. THE FOLLOWING PERSONS SHALL BE ELIGIBLE TO MEMBERSHIP: THE DEPUTIES, ASSISTANTS, SECRETARIES, INSPECTORS AND AGENTS, TOGETHER WITH ATTORNEYS, CHEMISTS AND OTHER EMPLOYES OR ATTACHES OF THE ABOVE-NAMED DEPARTMENTS AS MAY BE RECOMMENDED BY THE RESPECTIVE HEADS THEREOF; AND IN STATES HAVING NO SUCH DEPARTMENTS, A PERSON APPOINTED BY THE GOVERNOR OF SUCH STATE."**

They are all included in the same category exactly, and were intended to be. Now, this gentleman comes appointed by the governor of that state; he is in the same category with me, except that I come by virtue of the department I am in, but they are all in one category, and intended to be, so that if there is no department in the state the governor may recommend.

Dr. Woods: Mr. President, I do not seem to know how to make the motion, but I would like to make a motion which I think everybody here is trying to pass, and that is that we take a vote on this without a roll-call of states.

Mr. Flanders: Simply move that we suspend the by-laws.

Dr. Woods: Then I move to suspend the rules, or myself, or anything else, that will get this thing before us.

Mr. Jones (Illinois): What is the motion, Dr. Woods.

Dr. Woods: I don't know. (Laughter.)

President Emery: Is there any objection to taking this vote by acclamation?

(Question called for.)

President Emery: As many as favor the motion as made, that the gentleman from Arizona be made a member of this association, having been recommended by the governor, will say "aye;" those of contrary opinion say "no." The "ayes" have it and it is carried unanimously, and the gentleman from Arizona is a member of this association.

Mr. Barnard: Mr. President, the state of New Hampshire, which I represented in this convention up to four years ago, unfortunately this year is unable to send a delegate. I received late last night from the secretary of the State Board of Health of that state, the official who is in charge of the enforcement of the pure food law, a letter to this effect:

"To Harry E. Barnard: You are hereby authorized and directed to act for the State Board of Health of New Hampshire in the thirteenth annual convention of the Association of State and National Food and Dairy Departments, to be held at Denver, Colorado, August 24-27, 1909. You are hereby commissioned a delegate from this board to issue proxy, if necessary, to represent this state at the said convention.

"By order of Irving A. Watson, secretary."

I wish, Mr. President, that the association would advise me as to whether or not I have a right under the rules to represent the state of New Hampshire at the convention.

Mr. Jones (Illinois): Mr. Chairman, the gentleman is on an entirely different footing from the gentleman from Arizona. He has the honor of representing the great state of Indiana, and it would be nothing more than a proxy for him to represent some other state, and for that reason he does not stand, in my judgment, in the same position the gentleman from Arizona does. When he has represented Indiana he has represented about all one fellow can in this convention under the constitution and by-laws.

Dr. Dillon: Mr. President, I MOVE THAT NO PROXIES be allowed in this convention.

Mr. McCabe: I second the motion.

President Emery: You have heard the motion as made by Dr. Dillon of Louisiana. Are you ready for the question?

(Question called for.)

President Emery: Is there any objection to this motion being put by acclamation?

Secretary Allen: Mr. President, I rise to a point of order. The constitution is plain on this subject, and says "those present and qualified." Does the constitution settle it?

Dr. Woods: Oh, no; did you make that objection?

Secretary Allen: Well, I will withdraw it, then. That was my understanding of the constitution, that proxies are allowed.

Dr. Woods: But you did not object to taking this by acclamation?

Secretary Allen: Oh, no.

Mr. Mains: Mr. President, I rise for information. Does the constitution state that proxies will not be allowed?

Dr. Dillon: No, it does not.

Mr. Mains: That is what I understood you to say.

Dr. Woods: It does imply that, because it says "those present and qualified."

(Question called for.)

President Emery: The motion is that no proxies be allowed by this association.

The motion was thereupon put by the chair, and carried unanimously.

President Emery: Now, if there is any further business of this kind I wish to call attention of the association to the fact that there are a number of people invited here who have come from a large distance at their own expense, for every letter of invitation



I gave was with the statement that the financial condition of this association was not such that I could promise to pay anything for their services or reimburse them for their expenses, and I hope the association will bear this in mind in dealing with those people who came here at a specified time, for they were invited to come here for a specified time. I would like to ask if Mrs. Kelley of New York is in the room. (No response.)

Mr. Cannon: Mr. President, before proceeding with the program, I would like to make a brief announcement concerning the dinner this evening. The cars will leave the Brown Palace hotel at 5:15 o'clock. This dinner is in no sense of the word a dress affair. You are invited to wear your sack coats or no coats at all, as you may prefer. There will be no speaking, and we will sit down to dinner at about six o'clock. When you have finished your dinner you are at liberty to stroll around the grounds and come home when you please. You will find it a very interesting and pretty place.

Mr. Jones (Illinois): I beg pardon, Mr. Cannon, but we would like to know what the arrangements are for taking the party out there.

Mr. Cannon: We have a special car leaving the Brown Palace hotel. The cars will gather on the corner, and we will advise you of their approach. (Laughter.) This is for the Illinois delegation—you can come home at your own expense in the street cars or in the ambulance as you prefer.

President Emery: We will now listen to an address on "The Chemistry of Bleached Flour," by Dr. H. W. Wiley, Chief Bureau of Chemistry, Chairman Food and Drug Inspection Board, U. S. Department of Agriculture, Washington, D. C. (Applause.) Is Dr. Wiley present?

Dr. Dillon: Mr. President, I move that the chair appoint a committee of three to notify Dr. Wiley that he is invited to address this convention.

President Emery: I will appoint the Honorable Secretary of Agriculture, the Honorable Mr. Jones of Illinois, and Dr. Woods.

Mr. Jones (Illinois): Excuse me, Mr. President, but what was I appointed for? (Laughter.)

President Emery: I have a letter from the Honorable Nathan Strauss on the subject of pasteurized milk to be read to this convention. I wish to refer this to the committee on resolutions; and I wish to say further that I received this morning letters from the mayor of the city of Milwaukee and from other citizens, organized citizens, inviting this association to hold its next year's session at Milwaukee, and I have referred the same to the committee appointed to select a location for the next session.

Secretary Allen: Mr. President, may I say that the association has a letter directed to the association from a so-called—I think the name of it is The American Pure Food and Drug Journal—asking that it be made the official organ, and I have not brought it to the attention of the body or the committee because the association has expressed its attitude on that question before in the negative, and if anyone wants to bring it up I suppose it can be done by resolution, but I want to give the association that information. I move that the application from the American Pure Food and Drug Journal, in harmony with the expressed and re-expressed attitude of this association, be laid upon the table.

Dr. Bryan: I second the motion.

The motion was thereupon put by the chair, and carried.

(Dr. Wiley enters hall amid applause.)

Secretary Wilson: In obedience to your instructions, Mr. President, we have found Dr. Wiley and now present him to you. (Renewed applause.)

President Emery: Gentlemen of the convention, it affords me pleasure to introduce to you Dr. Wiley. (Renewed applause.)

Dr. Wiley: Mr. President, members of the association, ladies and gentlemen:

**THE ADDRESS OF DR. WILEY WILL BE PRINTED IN A SUBSEQUENT ISSUE OF THE AMERICAN FOOD JOURNAL.**

Mr. Jones (Illinois): Mr. Chairman, Mr. Judson of the National Wholesale Grocers' Association, is here. He has to make an early train, and if the members present would consent to suspend the program to let him deliver his address it would take but a few moments.

President Emery: I think it is entirely practicable to do this. If there is any objection to it let us hear it. If there is no objection, Mr. Judson will be called upon now to give his address. (Applause.)

**MR. JUDSON'S ADDRESS WILL BE PRINTED IN A SUBSEQUENT ISSUE OF THE AMERICAN FOOD JOURNAL.**

Mr. Briggs: Mr. Chairman, I rise to a question of privilege.

President Emery: State the question.

Mr. Briggs: This morning, at the morning session, I appealed from the decision of the chair with reference to my status in this convention. That was withdrawn at the request of a member, and it is no longer before the convention. But I do not feel that my status in this convention has yet been defined. I have read the constitution and I think I am capable of interpreting it probably as well as some others. But I am here from California; I have come many hundreds of miles at great expense to participate in this convention. I am here for two days without knowing whether I am a part of this convention or not. Either I should have my badge withdrawn, I should be denied the privilege of a seat in the inner circle, or I should be seated. Now, so far as I am individually concerned, I have no care about it at all. I am, however, the appointee and agent of the State Dairy Bureau of California; I am also—which does not cut any figure here—the appointee of the governor. I am obliged to return when this convention ceases and make a report to the State Dairy Bureau. I am also obliged to make a report to the governor of the state, and I submit that it is not a good thing to go back to the state which I represent here and report that I have been denied the privilege of participation and that the state of California, the State Dairy Bureau and the governor of the state, have no standing in this convention. It is the first time in an experience of twenty-five years in semi-public life when I have been unable to ascertain my standing in a convention to which I was assigned; and while I am not going to appeal from the decision of the chair I am going to submit to this convention the awkwardness, the embarrassment of the situation in which I am placed, and I am going to say further while I am on my feet that if this rule is to be carried out, narrowed down as it has been narrowed down,



that I venture to say you will find very little enthusiasm with reference to your food conventions from our part of the land. You have seated Arizona, and I am glad of it, but I still claim, Mr. Chairman and gentlemen of the convention, that I am entitled under the rules to a seat in this convention and I ought to have it. If I do not have it I shall withdraw my badge from this time and withdraw all participation in this convention and make the report which I have intimated I should make when I return home.

Now, just one word in reference to the contention I make. Section 2 says: "The following persons shall be eligible to membership: The deputies, assistants, secretaries, inspectors and agents, together with attorneys, chemists and other employes or attaches of the above-named departments." Now, I claim that a proper interpretation of that article is that I am the agent of the State Dairy Bureau of California, and that no right, no ruling here, can deprive me of that privilege.

Mr. Dunlap: Mr. President, I move you that Mr. Briggs of California be made a member of this convention and be entitled to the privileges of the floor. (Seconded.)

President Emery: You have heard the motion. I am going to put this in the same form as I have before. Is there any objection to my putting this vote by acclamation?

(Question called for.)

The motion was thereupon put by the chair, and carried unanimously.

Mr. Briggs: Gentlemen, I want to thank you.

Secretary Allen: Mr. President, Mr. Diamond I think is on the same plane, and I move that Mr. Diamond be given the same privileges. He has an appointment from the governor and should come in under the same ruling. (Seconded.)

President Emery: You have heard the motion, that Mr. Diamond be made a member of this association. Is there any objection to my putting this motion by acclamation?

(Question called for.)

The motion was thereupon put by the chair, and carried unanimously.

President Emery: The next paper upon the program is "The Need of State Laws to Protect the Consumers' Meat Supply," prepared by Miss Alice Lakey, Chairman Food Committee National Consumers' League, Cranford, New Jersey, which will be read by Mrs. Florence Kelley, Executive Secretary National Consumers' League, New York City. Is Mrs. Kelley present? (No response.)

Secretary Allen: Mrs. Kelley's train was wrecked and she wants to present her paper tomorrow.

President Emery: I have just got word that Mrs. Kelley's train has been wrecked and she will be here tomorrow and wants to present her paper at that time.

The next paper on the program is an address by Mrs. Amidon, Chairman Food Sanitation Committee, General Federation of Woman's Clubs, Fargo, North Dakota. Is Mrs. Amidon present? (No response.) Mrs. Amidon is not present.

The paper by Mr. Judson has been read; the paper

by Dr. Bigelow will not be presented. Dr. Kebler of the Department of Agriculture a year ago I think presented a paper that covered the main grounds covered by this paper, and the other portion has been presented to the association by the Honorable Secretary of Agriculture.

"The Abuse of Cocaine, Suggesting Methods of Restricting Its Sale," by Dr. William Jay Schieffelin. Dr. Schieffelin is not here but has sent his paper, which will be read by the secretary. That leaves but one more paper for the program this afternoon, which will follow this.

Secretary Allen: Mr. President, this is a rather long paper on the subject the convention has under consideration. It will be read to the convention if desired, but if there is no objection it might go into the record as having been read.

Mr. Jones (Illinois): Mr. President, I move that the paper be read by title and that it be printed as read.

Secretary Allen: I second the motion.

The motion was thereupon put by the chair, and carried unanimously.

**THE PAPER OF DR. SCHIEFFELIN WILL BE PRINTED IN A SUBSEQUENT ISSUE OF THE AMERICAN FOOD JOURNAL.**

President Emery: The next paper is by Dr. Kebler, Chief Drug Laboratory, Bureau of Chemistry, Department of Agriculture, Washington, D. C., on "The Need of More Active Co-operation Between State and Federal Officials on Drug Products." Is Dr. Kebler present? (No response.)

This completes the program for the afternoon, and the association will stand adjourned until tomorrow morning at nine o'clock.



A GROUP PICTURE ON THE MOUNTAIN TRIP.



**FORENOON SESSION.****Friday, August 27, 1909, 11:50 o'clock a. m.**

President Emery: The association will please come to order.

Yesterday there was one paper omitted from the program on account of Mrs. Kelley being unable to reach the city owing to two wrecks, and a washout, but she is here this morning, therefore we will take this as the first on the program. It is a paper entitled, "The Need of State Laws to Protect the Consumers' Meat Supply," prepared by Miss Alice Lakey, Chairman Food Committee National Consumers' League, and will be read by Mrs. Florence Kelley, Executive Secretary National Consumers' League, New York City. (Applause.)

**THE ADDRESS OF MRS. KELLEY WILL BE PRINTED IN A SUBSEQUENT ISSUE OF THE AMERICAN FOOD JOURNAL.**

President Emery: Unless objection is made this resolution of Miss Lakey will be referred to the committee on resolutions. It is so referred.

Yesterday in calling the program Mrs. Amidon was not present, and it was not found that her paper was present. Her paper is here this morning and it will be read by title and referred.

Secretary Allen: The paper is so read.

**THE PAPER SUBMITTED BY MRS. AMIDON WILL BE PRINTED IN A SUBSEQUENT ISSUE OF THE AMERICAN FOOD JOURNAL.**

President Emery: The first paper upon the program for the morning is "Soda Fountain Syrups and Crushed Fruits Without Preservative," by Mr. W. P. Anderson, Secretary J. Hungerford Smith Company, Rochester, New York. (Applause.)

**MR. ANDERSON'S PAPER WILL BE PUBLISHED IN A SUBSEQUENT ISSUE OF THE AMERICAN FOOD JOURNAL.**

President Emery. The next paper is on "The Preparation of Condiments Without Preservative," by Mr. Charles F. Loudon, President The Loudon Packing Company, Terra Haute, Indiana, which will be read by the secretary.

**MR. LOUDON'S PAPER WAS THEREUPON READ BY THE SECRETARY, AND WILL BE PUBLISHED IN A SUBSEQUENT ISSUE OF THE AMERICAN FOOD JOURNAL.**

President Emery: A paper on "The Advance Toward Higher Food Standards, Some Helps and Some Hindrances," by Mr. L. S. Dow, of H. J. Heinz Company, Pittsburg, Pennsylvania.

**THIS ADDRESS WILL BE PRINTED IN A SUBSEQUENT ISSUE OF THE AMERICAN FOOD JOURNAL.**

Dr. Dillon: Mr. President, I move that the election of officers of this association be made a special order for two o'clock this afternoon. (Seconded.)

President Emery: I shall rule that this, to be taken out of the regular order, unless it goes by unanimous consent, requires a roll-call of the states and two-thirds majority. There is a rule of procedure, and to change that rule of procedure, except by unanimous consent, will take that course.

Dr. Dillon: Then does the president of this association refuse to put a motion I have offered in this convention and that has been seconded? I make the point of order that I have a perfect right to make any motion at any time, except in the interruption of a roll-call in this convention. I have a right to interrupt the carrying out of the program in making a motion of this kind.

President Emery: Yes, sir.

Dr. Dillon: Then you hold I am out of order in making the motion?

President Emery: No, sir, I do not; I hold that in doing that, this will be passed upon, unless it is unanimously consented to, by a vote of the states, and I simply want to raise the question that you understand the proposition before you.

Mr. Cannon: Mr. President, I do not presume there could be any particular objection to the chair ruling that this should be decided by a roll-call of the states, and I am inclined to think that the president thoughtlessly said it would require a two-thirds vote to decide it. I don't think the president said that intentionally, because this cannot be a constitutional question. As I understand it, this program was arranged by the president and executive committee, I presume in the full pursuance of their prerogatives. Nobody objects to that at all, but I do not believe the president intended to say it was a constitutional question and that it would therefore require a two-thirds vote to carry it. Am I correct?

Mr. Worst: Mr. President, I would like to inquire whether it does not require a two-thirds vote to change a rule, and whether the program is not in effect a rule in a legislative assembly.

Mr. Cannon: Of course the president is the one to decide that question. If it were left to me, with several sessions of the legislature to my credit, I should say you are wrong. Any rule which was fixed by a majority of the legislative body requiring the two-thirds rule to suspend would have to have a two-thirds vote, but I fail, in all my experience, to see where a program or order of business not established by such a rule would require two-thirds to alter it.

Mr. Worst: In order to protect from the control of a minority the proceedings of deliberative bodies, to change the rule or established order has always required a two-thirds vote.

Dr. Dillon: Mr. Chairman,—

Mr. Cannon: If the chairman will bear with me a minute. That situation differs from this in that the legislative body by rule has declared that the rule shall not be amended or suspended except on two-thirds vote. We have no such rule; we are discussing a program.

President Emery: Is that program like an order of the day?

Mr. Cannon: Not unless it is so fixed by the by-laws or constitution of this society, Mr. President. I respectfully suggest to you that I really do not think you intended to say that. I don't think you did.

President Emery: Well, I have been of that impression, that this program was in the nature of an order of the day.

Mr. Cannon: That, of course, would be true if that were fixed by the by-laws, but it is the act of the executive committee, to fix the program, and it is a function that you should no doubt exercise, but it is by no means a part of the by-laws or constitution of this society.

President Emery: No, I see that.

Mr. Cannon: I think you are right to call for a roll-call on this motion.

Mr. Dunlap: Does not the program provide for the election of officers the first thing after we meet at two o'clock?

Mr. Cannon: No, sir.



Mr. Dunlap: We have the report of the committee on resolutions. Thereafter there would be no committee reports, unless it would be the reports of the committees to report next year.

Mr. Cannon: Well, then, that throws another light on it, if there is to be no committee report. Still I think we should know the fixed time when this is coming up. There is no disagreement on this subject; we all only want to know what time it will be, so that we can be here.

Dr. Dillon: I want to know if Mr. Dunlap questions my right at any time in this meeting to offer a resolution.

Mr. Dunlap: Oh, no, not at all.

Dr. Dillon: I made a motion, and it has a second, naming some specific action for a specific hour.

President Emery: I don't think your right to do that has been questioned by the chair. The chair simply called attention to the established rule of procedure and the ruling he would make.

Mr. Cannon: It is stated by Commissioner Dunlap—and we have confidence in his statement—that there will be no reports of committees.

Mr. Dunlap: Unless it be the report of the committee on the place of meeting, and everybody wants to vote on that.

Mr. Cannon: As there don't seem to be any disagreement, suppose you do as you did yesterday, Mr. President, state that "If there is no objection—"

President Emery: I stated that at the outset, Mr. Cannon.

(Question called for.)

President Emery: If there is no objection I will submit this vote to be taken by acclamation.

Mr. Jones (Illinois): Mr. President, I don't think there is any difference between you now and the gentleman from Louisiana. He just wanted to know, and I think the chair stated, that this program comes up regularly after the adjournment. That being true, this comes up first on the program. If that is true we are all agreed on it.

President Emery: What I understand and desire here is to know, by all parties, when the election will take place.

Dr. Dillon: That was my object absolutely, Mr. President.

President Emery: Now, the motion was that the election of officers be the special order at the opening of the session at two o'clock this afternoon. Is there any objection to this vote being taken by acclamation?

(Question called for.)

The motion was thereupon put by the chair, and carried unanimously.

President Emery: Before the paper that is next upon the program, upon the question of oyster growing, etc., is read I wish to say that I notice present in the audience Mrs. Sarah Platt Decker, formerly president of the American Federation of Women's Clubs, and if there be no objection, by unanimous consent, I will vary the program and call upon Mrs. Decker for a few remarks at this time. (Applause.)

**MRS. DECKER'S ADDRESS WILL BE PRINTED IN A SUBSEQUENT ISSUE OF THE AMERICAN FOOD JOURNAL.**

Mr. Cannon: On behalf of the entertainment committee I want to say to you that we have endeavored to show you, our visitors, everything we had in the state of Colorado that was great and wonderful.

(Further remarks about distribution of cantaloupes, etc.)

Dr. Woods: Mr. President, by unanimous consent I would like to present these resolutions which were given in the paper this morning and referred to the committee on resolutions, at this time if it can be done by unanimous consent.

President Emery: Is there any objection?

Dr. Woods: The committee have recommended these for passage.

Mr. Jones (Illinois): Mr. President, I move their adoption. (Seconded.)

President Emery: You have heard the motion; are you ready for the question?

(Question called for.)

The motion was thereupon put by the chair, and carried unanimously. The resolutions are as follows:

**WHEREAS, THE UNITED STATES MEAT INSPECTION SERVICE PROVIDES FOR THE INSPECTION OF ONLY SUCH MEAT AS IS INTENDED FOR INTER-STATE TRADE, WHICH COMPRISES ONLY A PORTION OF THE TOTAL AMOUNT CONSUMED IN THE UNITED STATES, AND**

**WHEREAS, THE UNINSPECTED SLAUGHTER-HOUSES WITHIN A STATE ARE IN MANY INSTANCES CONDUCTED IN A VERY UNSANITARY MANNER, AND**

**WHEREAS, ANIMALS KILLED IN SUCH ESTABLISHMENTS COME IN A LARGE MEASURE FROM SMALL FARMS AND DAIRIES WHERE THE PERCENTAGE OF TUBERCULOSIS IS LARGE, AND THE STATISTICS SHOW THAT NEARLY TWICE AS MANY ANIMALS ARE CONDEMNED FOR ALL CAUSES IN THE SMALLER ESTABLISHMENTS THAN IN THE LARGER PLANTS WHERE FEDERAL INSPECTION IS NOW BEING CONDUCTED;**

**RESOLVED, THAT WE RECOMMEND THAT EACH STATE AND MUNICIPALITY SHOULD PROVIDE FOR THE SANITARY REGULATION OF SLAUGHTER-HOUSES AND EFFICIENT VETERINARY ANTE AND POST-MORTEM INSPECTION OF ALL FOOD ANIMALS SLAUGHTERED FOR CONSUMPTION WITHIN ITS OWN LIMITS.**

President Emery: Now, before we have these Colorado fruits that our friends are distributing we are to have some oysters. We will listen to a paper on "Some Important Facts Worthy of Consideration," by Mr. A. F. Merrell, President of the Oyster Growers and Dealers' Association of North America. (Applause.)

**THIS ADDRESS WILL BE PRINTED IN A SUBSEQUENT ISSUE OF THE AMERICAN FOOD JOURNAL.**

Dr. Woods: Mr. President, while I fully expect that when we adjourn tonight we shall sing "Blest Be the Tie," etc., I think there are some things we ought to do looking toward another convention. I have consulted with some of my fellow delegates, who do not have the same feelings with regard to who ought to be the officers of this association for the next year as I do, and I think most of the friction has come from the fact that we were here two days without organization, which ought not to be, and I would like to make certain by unanimous consent here that the executive committee meeting before the meeting of the next convention make up a temporary list which shall give us a basis for action for membership in the next convention. I therefore would make that motion, if I may, by unanimous consent. (Seconded.)

President Emery: Is there any objection to this motion being put?

(Question called for.)

The motion was thereupon put by the chair, and carried unanimously.



President Emery: We will now listen to Dr. W. D. Bigelow, Bureau of Chemistry, Washington, D. C., on the oyster question.

DR. BIGELOW'S ADDRESS WITH THE REMARKS OF COMMISSIONER CANNON OF COLORADO, DR. CRUMBINE OF KANSAS AND COMMISSIONER WRIGHT OF IOWA WILL BE PUBLISHED IN A SUBSEQUENT ISSUE OF THE AMERICAN FOOD JOURNAL.

President Emery: This concludes the program for this forenoon, and the association will take a recess until two o'clock this afternoon.



COMMISSIONER POTTER AND WIFE AND COMMISSIONER MAINS AND WIFE ON TOP OF THE CONTINENT.

#### AFTERNOON SESSION.

Friday, August 27, 1909, 2:00 o'clock.

(Actually called to order at 2:20 p. m.)

President Emery: The association will be in order.

Dr. Woods: Mr. President and gentlemen, I would like to present a matter to you by unanimous consent, without asking for a viva voce vote. Yesterday at the roll-call it was found that the state of Arizona was represented here by a gentleman on the authority of his governor. It seems that at the same time a gentleman was sent here by the governor of Mississippi, where their food law is pending, in order to confer with us, and get everything that he could out of the convention. He was not here at the time when this roll-call was made yesterday and so did not understand that his credentials would make him a member of this association. Yesterday we made the gentleman from Arizona—I think I am right in this statement—a member by unanimous consent, and if I may have the unanimous consent of the house I would like to make a motion that this gentleman be admitted to membership in this association in the same way as was done with the gentleman from Arizona. That is, they have no state law, but they are making a state law. He holds the credentials of his governor, and is appointed to represent the state here.

(Demands from various delegates that the regular order be maintained.)

President Emery: Is unanimous consent given to take a vote by acclamation?

(Repeated demands for regular order.)

Dr. Dillon: Mr. President, I rise to a point of order.



President Emery: What is your point of order?

Dr. Dillon: My point of order is that we made the election of officers of this association a special order for two o'clock, and it is now half-past two, about, and I shall absolutely insist that we proceed under the motion adopted this morning and elect the officials of this organization. (Applause.)

Dr. Woods: Mr. President, I move that we postpone the regular order for fifteen minutes.

Dr. Dillon: Mr. President, I move that the motion be tabled.

Mr. Rose: I second the motion, and I will go further, Mr. President. I believe every state in this Union is entitled to representation on this floor when properly accredited, and I second Doctor Wood's position.

Dr. Dillon: Mr. President, I make the point of order that there is nothing before this house except the election of officers, under the resolution adopted by this house this morning.

President Emery: I understood you to make a motion to lay on the table Dr. Woods' motion to postpone the special order for fifteen minutes.

Dr. Dillon: I withdrew it, because there was no second to his motion at the time.

A Delegate: I second it.

Dr. Dillon: I make the point of order that we have no right, under the special order provided by this



resolution, for two o'clock, to consider anything that may come before this association at this particular time except the election of officers, and I call for the election of officers under the resolution adopted this morning, and it is twenty-five minutes past two.

President Emery: The chair rules that a motion to postpone is a question of special privilege and is in order.

Mr. Wright: A special privilege for whom?

President Emery: To be voted upon. Dr. Woods has made a motion that we postpone the special order for fifteen minutes, and that has been seconded. The chair holds that that is a special order, and that the motion is in order. It is not debatable.

Mr. Cannon: What is not debatable?

President Emery: I want to say this—

Mr. Cannon: It is one of the 57 varieties, is it not?

Dr. Dillon: I insist that there is nothing in order but the election of officers, on account of the motion adopted this morning, and I defy any member of this convention to show to me a parliamentary usage or a regulation of any legislature, of the national house or senate, or any rules and regulations that would interfere with the taking up of a motion that had been adopted at a previous meeting making a special order for a special hour—allowing it to be interrupted in any way. (Applause.) I will ask the chair to decide this question by the rules and regulations or by-laws or by the parliamentary practices established by the legislatures of any state or by the national house or senate.

President Emery. The chair is being guided in this decision by Roberts' Rules of Order, that a question to postpone is a special—

Dr. Dillon: Then I call for the reading of any such ruling from Roberts' Rules of Order.

President Emery (reading from section 21 of Roberts' Rules of Order): This motion to postpone "takes precedence of a motion to commit or amend or indefinitely postpone, and yields to any privileged or incidental question, and to the motion to lie on the table, or for the previous question. It can be amended by altering the time, and the previous question can be applied to it without affecting any other motions pending. It allows of very limited debate, and that must not go into the merits of the subject-matter any further than is necessary to enable the assembly to judge of the propriety of the postponement."

This is a question of special privilege.

Mr. Cannon: Where do you find your authority for your ruling that that is a special privilege question?

President Emery: Under the rules and the list of special privileges.

Mr. Cannon: Kindly read the particular clause where it says it is a privileged question.

Dr. Dillon: Mr. President, as a substitute for all the motions before the house at this particular time, I move that we proceed to the election of officers of this association. (Seconded.)

Mr. Dunlap: There is a motion before the house now.

Dr. Dillon: What is the motion?

President Emery: The motion is to postpone the special order for fifteen minutes.

Mr. Wright: Is it possible to make a substitute motion for the motion now before this house?

President Emery: I don't think so.

Mr. Wright: Is it possible to amend the motion to postpone for fifteen minutes?

President Emery: Yes, sir.

Mr. Wright: May I move to amend this motion to postpone for twenty minutes?

President Emery: Yes, sir.

Mr. Wright: In what way?

President Emery: You may amend it to postpone for a different time, either a longer time or a shorter time.

Mr. Wright: That is the only motion I can make to this unless it is the question to lay upon the table.

Dr. Dillon: Now, I want to know whether that matter you read there has reference to special orders or whether it has reference to a motion.

President Emery: It has reference to all parliamentary practice, as the chair understands it.

Dr. Dillon: Then I appeal from the decision of the chair to this association. We have a special order of business adopted by resolution and passed by unanimous consent this morning to take up the election of officers.

President Emery: The gentleman from Louisiana appeals from the decision or the ruling of the chair.

Mr. Dunlap: I demanded a roll-call on that question.

President Emery: The question before the house now is, Shall the judgment of the chair be sustained as the judgment of this association?

Dr. Dillon: I ask the chair to state his ruling in this matter and not his judgment.

President Emery: My ruling in this matter is this, that the motion to postpone is a privileged question and was in order. The question now is upon the appeal from the decision of the chair by the gentleman from Louisiana.

Mr. Briggs: Mr. Chairman, I suggest that this whole thing is out of order.

President Emery: I think the gentleman from California is out of order. The gentleman from California is out of order. The gentleman from Louisiana has the floor on the appeal.

Mr. Briggs: Mr. President, I was never able to be in order in this convention up until now, but I think I am in order now. But I want to say, in a spirit of harmony, that I think it is out of order, because the gentleman who desired to make the motion first asked unanimous permission of this house. Now, if he has that unanimous permission he has a right to go forward; if he has not, he has no right to discuss it, and the question of unanimous consent is not debatable. Therefore I say to you that the question before the house is on the part of the gentleman who asked permission to introduce a motion. (Applause.)

Mr. McCabe: Just one moment.—

President Emery: I wish to state the position of the chair on this question. I think all this is out of order. I think the question now is upon the appeal from the decision of the chair by the gentleman from Louisiana, and is not debatable; but I wish to answer and state the judgment of the chair in regard to the attitude of Dr. Woods not being in order. Dr. Woods had the floor—

Mr. Wright: Mr. President, you just said it was not debatable, and you are now proceeding to debate it.

President Emery: Well, I can state my reasons. (Question called for.)

President Emery: The question is upon the appeal.



Mr. McCabe: Mr. President, I move the appointment of two tellers to take this vote on the appeal from the decision of the chair, and that each state cast the vote of that state.

President Emery: Unless objection is made, it will be taken as the sense of the convention that the chair appoint two tellers to take this vote on the appeal from the chair. The chair will appoint Dr. Fischer and Mr. Kracke.

Mr. Dunlap: Mr. Chairman, I rise for information. Do I understand that this roll-call is to be by ballot?

President Emery: Yes sir, by states.

Mr. Dunlap: By states and by ballot?

President Emery: By states and by ballot.

Mr. McCabe: Mr. Chairman, I question that. I would like to see the authority for it. My suggestion is that the roll of states be called and that each state cast the vote of the state, just the same as we take every vote. Mr. President, we had a motion put through here the other day that said that we should have the open door in this convention; now let every state get up and vote.

Mr. Dunlap: Mr. President, I move you that the—

President Emery: You are not in order on a motion. We are on the question of appeal.

(Roll-call demanded.)

Dr. Woods: Mr. President, will you state what "yes" and what "no" means?

President Emery: Yes; and if you will bear with me just a moment until I can state this proposition as I wish to. We are proceeding to a call of the states upon a vote to appeal from the decision of the chair. The decision of the chair appealed from is this—that Dr. Woods, having the floor, moved to postpone for fifteen minutes the special order. The chair ruled that that was in order. The question is, Shall that ruling by the chair stand as the judgment of this association? Those who sustain the judgment or the ruling of the chair will, as the states are called, answer yes, and those opposed no.

Mr. McCabe: How is that? Those who are in favor of sustaining the ruling of the chair that we shall postpone?

President Emery: A. Yes.

Mr. McCabe: And those who are opposed to the ruling of the chair and want to go on with the regular business are to vote—

President Emery: "Yes."

Secretary Allen then called the states of Arizona, California and Colorado.

Mr. Cannon: Mr. President, I think there is some slight disagreement in Colorado, and without going into the question right now of how that shall be divided, and to be absolutely fair to Mr. Cochran, I will vote 1½ votes no, leaving Mr. Cochran to answer for himself.

Mr. Cochran: One and one-half votes yes.

The secretary then completed the roll-call of states, which resulted as follows: 61½ votes yes, 49½ votes no.

President Emery: The association confirms the ruling of the chair, and the ruling of the chair stands as the judgment of this convention.

Dr. Woods: Then my motion is now before us?

President Emery: Your motion is now in order, and the question is upon postponing the special order of business for fifteen minutes. Are you ready for the question?

(Roll-call demanded.)

President Emery: The question is on a roll-call.

Mr. Cannon: Mr. President, I rise to a point of information. Does that mean fifteen minutes from now or from the time this association adjourned to?

Dr. Woods: Fifteen minutes from now.

Mr. Cannon: Well, I just want to know whether we have to wait for anybody else to get here or not.

A Delegate: Mr. President, I would like to have the motion stated so that it is clear to every member of the house.

President Emery: The question before this association at the present time is Dr. Woods' motion of postponement of special order for fifteen minutes.

Mr. Dunlap: Mr. President, I move to amend that motion until the case of Mississippi has been decided.

Dr. Woods: I accept the amendment.

Mr. Newman (Illinois): Mr. President, we have an appeal here from the decision of the chair on this motion. It cannot be amended after the appeal on that decision.

President Emery: I think the point is well taken.

Mr. Dunlap: I will withdraw my amendment, then.

President Emery: The chair will take a few moments to satisfy himself on the correctness of this point. (Consults Roberts' Rules of Order.)

A Delegate: Proceed with the roll-call.

President Emery: The question now is on the postponement of the special order of business for fifteen minutes.

A Delegate: Those in favor of postponement will vote how?

President Emery: Those in favor of postponement will vote yes; those opposed will vote no.

(Question called for.)

The roll was thereupon called by the secretary.

President Emery: Have any of the states been omitted?

Mr. Cannon: I heard you ask the question, Mr. President; I didn't hear the reply. Have any of the states been omitted?

Secretary Allen: No.

The vote resulted as follows: Yes, 58½; no, 52½.

Mr. Dunlap: Mr. President,—

Dr. Woods: Mr. President,—

President Emery: Dr. Woods.

Dr. Woods: I move that Mr. Hans, who holds the credentials from the governor of his state, and who has been in attendance at this convention from the beginning, be seated and be privileged to participate in the proceedings of the meeting.

Dr. Dillon: Mr. President,—

President Emery: Dr. Woods has the floor.

Dr. Woods: I yield to the gentleman from Louisiana.

Dr. Dillon: May I ask Dr. Woods a question?

President Emery: Yes.

Dr. Dillon: Then I would like to ask are the credentials from the governor of Mississippi to the gentleman whom you propose for membership by wire or letter?

Dr. Woods: By telegram, sir.

Mr. McCabe: Who sent it?

Dr. Woods: Governor Noel.

Mr. Wright: Who sent for it?

Dr. Woods: You are getting now beyond my knowledge.



Dr. Dillon: I asked the question because I talked with the gentleman from Mississippi and he said he thought he had no right to represent the state of Mississippi because he had not been given credentials by the governor any longer than night before last, and I am going to object on the floor of this house to accepting the credentials of anybody unless they have the seal of the state which they purport to represent.

President Emery: The secretary will read the telegram from the governor that shows the authority upon which this application for membership is based.

Secretary Allen (reading telegram): "W. H. Hans, Denver, Colorado. You are appointed to represent Mississippi at the National Association of State Food Departments. (Signed) E. L. Noel. August 26, 1909."



Mr. Dunlap: Mr. President, I move the previous question. (Seconded.)

Mr. Cannon: Well, let us read that letter. We are all interested in knowing about that letter from the governor.

(Question called for, and attempts to secure recognition by the Chair.)

Mr. McCabe: I ask to have that telegram read again. He has not named this association in any way. Read it.

Secretary Allen (reading): "W. F. Hans, Denver, Colorado. You are appointed to represent the state of Mississippi at the National Association of State Food Departments."

Mr. McCabe: Yes; that is not this association. (Laughter.)

Mr. Dunlap: I demand the roll-call on the previous question.

Mr. Dillon: Mr. President,—

President Emery: I think if this is intended as delay. I think the question of fair play that has been called for in this association requires that this associa-

tion be given the privilege of voting upon the application of the gentleman from Mississippi the same as the gentleman from Arizona yesterday.

Mr. Wright: Mr. Chairman, question.

Mr. Cannon: Mr. Chairman, do you think this in the interest of delay?

President Emery: What?

Mr. Cannon: This parliamentary struggle here.

President Emery: It looks that way to me.

Mr. Cannon: Then may I ask why it was you did not call this convention at two o'clock when you said you would?

Dr. Woods: Mr. President, these gentlemen are all out of order.

Mr. Cannon: Do you think a man is out of order when he asks for the floor in this house, Dr. Woods?

(Roll-call demanded.)

President Emery: The Chair rules for a roll-call of states.

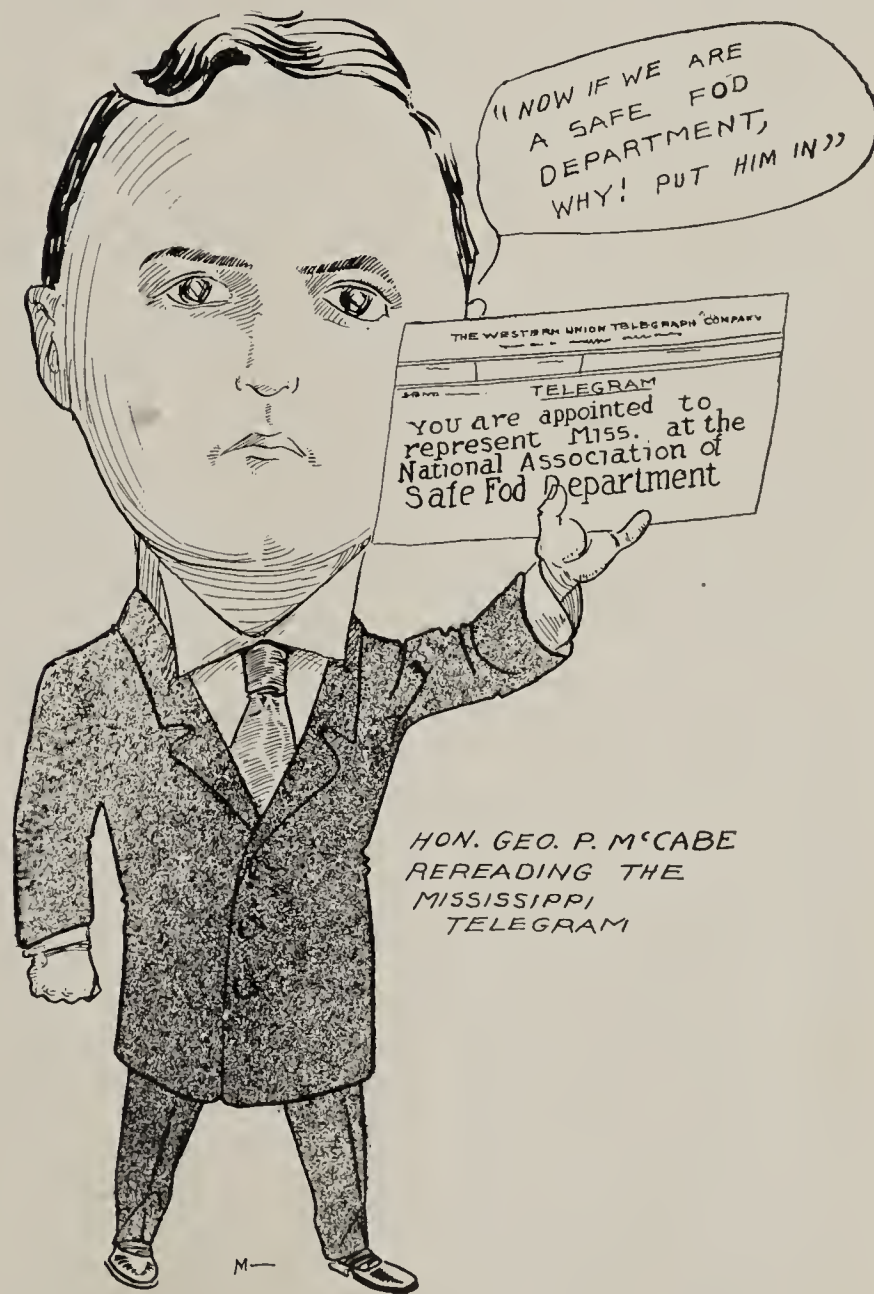
Mr. Wright: On what?

President Emery: On the motion of Dr. Woods.

Mr. Wright: Mr. Chairman, I rise to debate the motion of Dr. Woods.

Mr. McCabe: Will you yield to me a moment?

Mr. Wright: I will.



Mr. McCabe: Here is this telegram; it is marked "3:32 CR NH Paid. Jackson, Mississippi August 26, 1909. W. F. Hans, Denver, Colorado. You are appointed to represent Miss. at National Association of Safe"—and the secretary didn't read it that way—"Safe Fod Department." Now, if we are a Safe Fod Department, why! put him in.



(Question called for.)

Mr. Burke: How do you know that telegram is from the governor?

Mr. Wright: I rise for information, Mr. President. I rise to debate the question of the gentleman from Maine, and I understand I have the floor.

President Emery: You have.

A Delegate: The previous question is not debatable.

Mr. Wright: He has just decided that I have the floor. Now, have I or have I not?

President Emery: The Chair is in doubt on just one point. I would like to rule on this fairly. The question of the previous question must be voted upon.

Mr. Wright: Nobody asked for it except the man from Ohio. I have secured the floor for the purpose of debating the gentleman's motion, which at this time is the question before the house.

President Emery: I think Mr. Wright has the floor on this motion, and the convention will be in order.

Mr. Wright: Now, Mr. Chairman, I want to know whether I am right in understanding that the question before the house is the motion of the gentleman from Maine that Mr. Hans be seated as a member of this association.

President Emery: That is what I understand.

Mr. Wright: So I understand it, and I rise to debate the propriety of that question.

A Delegate: Now, Mr. Chairman,—

Mr. Wright: Now, Mr. Chairman, I have the floor or I have not, and I would like to have the gentleman wait until he gets the floor in the proper manner if I have the right to proceed.

The gentleman from Maine says that the gentleman from Mississippi has been here all this week. Why is it necessary at this late date to send a telegram to the governor of his state asking him for credentials? Why is it necessary for the gentleman from Mississippi—I don't know who he is, I haven't seen him, nobody has seen him except those who now want to use him—why is it necessary at this time, when he has been here since Tuesday or Monday or Sunday, to send for credentials from his governor?

Dr. Dillon: I called on him Monday night, Mr. Wright, and he said he had no right to represent Mississippi in this convention.

Mr. Wright: Who is the governor of Mississippi? Does anybody know? It may be the man who signs that telegram and it may not be. I know something about governors and the way they operate. There are cases where the Secretary of State in Iowa has signed the governor's name to a requisition. This man has been here all this week. He has not asked to vote; he has not participated in any debate; so far as I know he has not been in this room. If he has nobody has seen him on the floor of this convention. He is a nice fellow I doubt not; I never saw him.

Dr. Dillon: He is a nice fellow.

Mr. Wright: Did he send for those credentials or did those who want to use him send for them and pay the price of the telegram? He has not asked to be admitted to this convention, and nobody has asked it except the gentleman from Maine who wants his vote. He comes here with a telegram from some unknown person some thousand miles away which reads that he is accredited to the "Safe Food" department. What is that? Are we to suppose that the man who wrote that telegram did not know what he was talking about or that he meant it right? That is, are we to

admit this man on supposition? I say, Mr. Chairman, this man has no moral right, whatever his legal right may be, to come here now and ask admission to this association for the purpose of voting for officers of this association. That is all he is here for. There is no further business to be done. Who got him here? I want somebody to rise and tell me at this time why this man, for a purpose which is improper in the estimation of every fair-minded man in this room, comes now and asks to be admitted to this convention for the purpose of casting three votes for a certain person for president. (Applause.)

Mr. Robinson: Mr. President, I will answer the gentleman from Iowa. It was not the consensus of opinion of many of the delegates, myself among the number, that the gentleman from Arizona and the other state were properly accredited to this association, but when the question was raised we offered no objection.

Mr. Wright: We do object, and you objected to him for two days and on three or four occasions the records will show that the gentleman from Arizona, came into this hall on the opening day of the convention and presented his credentials to the secretary duly signed by the Governor and paid his membership fee as all other members have done, and has been here, and in attendance, at every meeting and went on the excursions and entertainment, and as for the gentleman from Mississippi I have never seen or heard of him before now.

Mr. Robinson: We now, in fair play, ask the same thing from the gentleman on the other side of the house.

Dr. Woods: Mr. President,—

Several Delegates: Mr. President,—

President Emery: Dr. Woods has the floor.

Dr. Woods: Mr. President, I move the previous question. (Seconded.)

President Emery: The roll-call on the previous question is moved and seconded.

Mr. Jones (Illinois): Mr. Chairman,—

President Emery: The gentleman from Illinois is out of order.

Mr. Wright: Do you call this fair play?

President Emery: I do.

Mr. Wright: I do not. You don't know what fair play means.

(Roll-call demanded.)

President Emery: The previous question is called for.

Mr. Jones (Illinois): Mr. Chairman,—

President Emery: Shall the motion now be put?

Mr. Cannon: Mr. President, I rise to a point of order. How many votes does it take to require the previous question? How many votes?

(Hesitation on the part of President Emery.)

Mr. Cannon: You don't know, sir, and you were about to put it without knowing. That is on a par with your rulings ever since this convention was convened. (Hisses.) I mean what I say.

President Emery: The Chair is putting this question on the previous question, moved and seconded, asking whether this motion would be in order, whether the previous question shall be ordered. I would like, Mr. Cannon, to have you state your objection to that ruling.

Mr. Cannon: I want to know how many votes it requires to call for the previous question.



President Emery: It takes a majority of the votes, I understand.

Mr. Cannon: Did you put the motion for the previous question? How many people can demand the previous question? You must certainly have some knowledge of parliamentary practice, with your ambition to congress.

President Emery: I had supposed in making this order—and if I am incorrect I will be glad to be corrected—that a majority voting to order the previous question carried the motion. Is that right or wrong?

Mr. Cannon: When the motion is put, but it takes more than one vote to call for it, sir. That is gag rule.

President Emery: Will you tell me how many votes should be called for to alter the rule here?

Mr. Cannon: At least ten to order the previous question.

Dr. Dillon: Is not the question now, Shall the previous question be put?

President Emery: That is what the Chair has stated.

Mr. Dunlap: Mr. President, I demand a roll-call.

President Emery: On what question?

Mr. Dunlap: On the previous question. It is not debatable. That question is, Shall we now vote on the question before the house?

Dr. Dillon: What is the proposition before the house?

Secretary Wilson: Mr. President, may I suggest something to the chair? (Applause.) I might be able to suggest a way out of this. Parliamentary law requires that somebody shall call for the previous question. The chair says as many as vote to second the previous question will, as you are called, answer aye. It has got to be seconded by a majority vote of this convention.

President Emery: I thank you, Mr. Wilson. I do not claim and have never claimed to be a technical parliamentarian. I have never been engaged in that particular business. I do claim, however, the purpose of ruling to the best of my knowledge and conscience in a fair way on all these questions. (Applause.) I will now put this motion as suggested by the Secretary of Agriculture. The question is on the seconding or the ordering of the previous question, and those who second this motion will, as the states are called, vote aye, and those opposed vote no. The question is upon the vote to second this ordering of the previous question.

Dr. Dillon: Mr. President, I make the point of order that the question is, Shall the previous question be put?

President Emery: I have accepted the suggestion of the Secretary of Agriculture as my ruling.

(Roll-call demanded.)

President Emery: The roll-call is on seconding this previous question.

The roll was then called by the secretary, which resulted as follows: Yea, 52½; nay, 58½. (Applause.)

President Emery: The previous question is refused.

Mr. Wright: Mr. Chairman, I would like to inquire of the gentleman from Michigan whether he considers the case of the gentleman from Arizona who was here early in the week, on Monday or Tuesday, I

do not know which day, and presented his credentials to the secretary, which is the proper officer, in my opinion,—whether the case of that gentleman is analogous to the case of the gentleman from Mississippi.

Mr. Robinson: I submit that it is.

(Roll-call demanded.)

President Emery: The roll-call is on the demand of Mr. Hans to membership in this convention.

Mr. Briggs: Mr. President, I submit that was the previous question, and that the previous question was denied, therefore that is not before this congress; and while I am on my feet, and inasmuch as I raised the point in controversy as to the credentials, I am going to ask what this convention would have done with my credentials from the governor of the state of California if he had not appended his seal of office to it. I apprehend that I would not have been considered at all, and I now beg to say, delicate as it may be, that no credential without the seal of office from the governor of a state ought to be considered in any way.

Mr. Mains: Mr. President, I would like to ask for information. I think the 15 minutes' time is up, and I move that we proceed with the regular order of business.

President Emery: I think the gentleman from Nebraska is correct, and that the time is up, and that the regular order is in order now.

Mr. Jones (Illinois): Mr. President, —

President Emery: Mr. Jones.

Mr. Jones (Illinois): Mr. President, I rise on behalf of this convention, and especially the state of Illinois, to place in nomination a gentleman who has been with the National Association of State Food and Dairy Departments from its infancy, one who has stood by it from its cradle and followed it up now to its maturity. The gentleman I now represent comes from the greatest state in this union, the state we all honor and all love, and one that has pure food laws, and the best in the Union, and is co-operating with the national government in all affairs. When we look over this convention today and see here delegates and representatives in this association from Maine to California and from the lakes on the north to the Gulf on the South, and think what this was when the gentleman from New York was one of the prime movers in getting up this organization, we can appreciate the work that he has so fittingly done, and all that he has done has been in the interest of pure food, and he has made his name a household word, not only with this association, not only in his state, but I might say in every state in the Union. He stands for that for which we stand. He stands for the states co-operating with the nation; he stands that this national law is a good law, and if it is imperfect we will make it perfect. If he cannot himself he is the kind that we want for leadership, and to go on as we are now going, not only three states, when it was organized under the leadership of the candidate I present, but here we have thirty-six or thirty-seven states—some of them are in doubt, but we hope to enroll every state in the Union under this banner.

Mr. Chairman and gentlemen of the convention. I do not want to detain you; we are here in a great cause; we are here assembled that we may carry out the wishes of the people of this great country along the lines that have been laid down in the constitution



and by-laws of the National Association of State Dairy and Food Departments. Mr. Chairman and gentlemen, I wish to place in nomination a gentlemen who, if elected, will reflect honor, will reflect credit and will help build this association up along the lines that we desire to have it, and co-operate with the national government as we desire to have this association co-operate, and make it a pride of this world, especially of the United States of America. I will not detain you long. I desire to place in nomination for your votes Mr. Flanders, of New York. (Great applause.)



COMMISSIONER A. H. JONES OF ILLINOIS  
Nominating President Flanders.

Mr. Dunlap: Mr. President and gentlemen of the convention. The man whom I wish to present to you for president is not unknown to this association. You have seen him on the floor of this convention, you have heard his voice raised in the interests of harmony and peace. Gentlemen, if you want a man for your president who has made a record unexcelled as commissioner in his own state, if you want a man for president of this association who is a successful and honorable businessman and a man who realizes and appreciates to the fullest extent the co-operation between the state and federal governments, a man who recognizes the relationship between the businessman, the manufacturer and the consumer, gentlemen, if you want a man as president of this association who knows parliamentary law and will proceed with dignity and fairness over your deliberations; and finally, gentlemen, if you want a man for president who will, if elected, restore and preserve harmony in this association, I commend to your consideration, your earnest consideration, Honorable A. C. Bird, State Dairy and Food Commissioner of Michigan. (Great applause.)

Secretary Wilson: Mr. President, I second the nomination of Mr. Flanders. I would like to see this

association go back to the original intention of it and consider the dairy cow. Mr. Flanders was a worker in the ranks of this association at the time when there was no quarrel about foods, benzoate and things of that kind. I have not heard the interests of dairying mentioned once since I have been here. Everybody is talking about foods and the adulteration of foods. We cannot afford to forget and overlook this great dairy industry. Mr. Flanders comes from the greatest dairy state in the Union. I think it would be the graceful thing to make him the president of this association this year, and I think our friend, Mr. Bird, against whom I have not a word to say, could very well afford to wait one year. (Applause.)



President Emery: Are there any further nominations for the presidency? If not, we will proceed to vote by ballot for president.

Dr. Dillon: Mr. President, I move that in casting the ballot write the name of the state, the number of votes to be cast and his own name on his ballot when it is placed in the hands of the tellers. This is, the name of the party for whom he votes.

Mr. Dunlap: Mr. President, I wish to make a motion—

Mr. Wright: Will the gentleman give time for a second? I second Dr. Dillon's motion.

Mr. Dunlap: No, sir, I have the floor, I believe, and I wish to make a motion, and that is that we pro-



ceed to the election of officers by ballot, and that each state may cast three ballots as provided by the law, and without any reference to the state from which they come. Gentlemen, I think this is fair, and that is all I ask in this convention. (Motion seconded.)



COMMISSIONER DUNLAP PLEADING FOR HIS CLIENT.

President Emery: It is moved and seconded that we proceed to ballot for our candidate for president, each state being allowed three ballots.

Mr. Newman: How can you tell how many votes a state has cast if the states—

President Emery: "All officers shall be elected by ballot." That is the constitution. Nobody ever writes his name on his ballot when he is voting by ballot, and it is a vote by ballot by states.

Mr. Briggs: Mr. President, how shall we know whether the states have all voted if the name of the state is not on the ballot?

Mr. McCabe: Mr. President, the constitution says that this vote shall be taken by ballot. Now, without casting any reflections upon anyone connected with this association, because that I would not do, I rise to ask why it is necessary for anybody to object to a proper method of identifying these ballots. When a ballot is put in there, there may be one vote by the U. S. Department of Agriculture, one ballot, and three votes for Mr. Bird, and there may be another one there, three votes of the United States Department of

Agriculture for Mr. Flanders. How are you going to tell which is the genuine ballot? Now, as I said before, when you are speaking about this, there seems in the minds of some people to be a rooted objection here to doing business in the open. Let each state cast its vote, and let the man that casts the vote be man enough to put his name on it, and the number of votes he casts, and if he is not man enough he ought not to vote. (Applause.)

Mr. Dunlap: Mr. President, the proposition I propose, I cannot see how anyone can object to. I propose that the secretary shall call the roll of states and the state that is called shall come forward and deposit the ballot in the hat and take his seat. The next state shall be called after he has taken his seat. Now, I do not see how you are going to get into any confusion over that matter, and I think we have enough honor about us not to deposit two or more ballots. And on the question I demand a roll-call of states.

Mr. Wright: Mr. Chairman, I would like to suggest to the chair and to the gentleman from Ohio that the constitution very plainly says that officers shall be elected by ballot. That is all your motion is.

Mr. McCabe: That is right.

Mr. Wright: Do you intend to put an amendment on the constitution that reads exactly like the constitution?

Mr. McCabe: I rise on a question of information and suggestion—or, rather, I want to give information, I am not asking for it. This motion is absolutely out of order. Regardless of the fact that a motion was made on our side, and I seconded it, the Chair recognize Mr. Dunlap of Ohio, and in his eager speed to recognize him he entirely overlooked the fact that Mr. Bird's nomination has not been seconded yet.

Mr.—: I second the nomination.

Mr. McCabe: Mr. Chairman, I move now that we proceed to the election of officers in the following manner—that as the roll of the states is called the man representing a particular state shall step forward and give to the teller the ballot of that state, and announce it, and that is a fair proposition, and every fair-minded man ought to stand for it. (Seconded.)

Mr. Dunlap. I will withdraw my motion in favor of the one made by Mr. McCabe, if I understand it right, that is, that the states come up and deposit their ballots for whoever they choose.

Mr. McCabe: With the name of the state on the ballot?

Mr. Dunlap: No, that was not in your motion.

Mr. McCabe: Oh, yes, it was.

Mr. Dunlap: Mr. President, I therefore demand the vote on the question before the house.

Mr. McCabe: But that has not been put. I amend my motion.

Dr. Dillon: I rise to a point of order, Mr. President.

President Emery: The gentleman from Louisiana is out of order. Mr. McCabe has the floor.

Mr. McCabe: Mr. President, I move to amend my motion to make it read as follows: That the roll of states be called; that the representative of each state casting a vote shall come forward and deposit the ballot, on which shall be written the name of the state, the vote and the candidate.

Mr. Wright: I second the motion.

Mr. Dunlap: Mr. President, I rise to a point of order. There is a motion before the house. I made



a motion, and it was duly seconded, and I insist upon that motion being put, with a roll-call. Mr. President, I move the previous question.

Dr. Dillon: Mr. President, I rise to a point of order.

President Emery: A man has hardly the right to stand on the floor all of the time on a point of order.

Dr. Dillon: Then you rule that I have no right to make a point of order?

President Emery: No, sir, I will rule that you are entitled to your point of order. State your point.

Dr. Dillon: The discussion that has been indulged in has been absolutely out of order, because there is nothing before this house for discussion. I made a motion that the person casting the vote of a state on the roll-call write the name of the state and the number of votes cast, cast by whom, and for whom. Now, I want to ask if I have a second to that motion.

Mr. Dunlap: That motion was not seconded.

Dr. Dillon: It was.

President Emery: I ask now, that the Chairman may understand this proposition, that the stenographer may read this conflicting situation. If the gentlemen of this convention want this thing done with propriety and order, I hope there will be some co-operation with the Chair to try to get it done.

Mr. French: Mr. President, I think I can ask a question that will clear up this situation. I want to put this query to the Chair and to the delegates of this convention—whether it is necessary that a man can be considered, when seconding a motion, to have secured the attention of the Chair.

President Emery: Yes, sir.

Dr. Dillon: Then, the Chair rules that my motion had no second, is that it?

President Emery: That is my understanding, but I ask to have the reading of the minutes that I may know whether I am correct or not.

Mr. Cannon: Mr. Chairman, I want to pour oil on the troubled waters if I can. I want to speak for the gentlemen I have been associated with. I do not see what all this fuss is about. For my part, I am perfectly willing to announce my vote by ballot or by voice. I am not ashamed of who I am going to vote for, neither is the state of Colorado. We in Colorado are not double-crossers. We have not promised two different men. Is there anybody here who has? I do not hear any affirmative answer. In the name of high Heaven, why should we be ashamed to vote for our choice? Is there a man here who is ashamed to vote for his choice? If there is, let him answer; if there is not, what in Heaven is this fuss about? (Applause.)

Mr. Dunlap: Mr. President,—

President Emery: Mr. Dunlap, will you allow me to have a minute's rest? I am certainly confused in the situation. And will the stenographer please read these motions and counter motions?

Now, the Chair is going to make this suggestion—that all these motions and counter motions shall be withdrawn, and we can start on this proposition with a new page.

Dr. Woods: Mr. President, I would like to ask a question of the honorable Secretary of Agriculture, who is more familiar, probably, with parliamentary proceeding than anyone else here,—if a marked ballot is a legal ballot.

Secretary Wilson: Why, it depends on the law of the state in which the vote is cast. Every state arranges these matters by law. Generally a marked ballot, put in for the purpose of being able to identify the voter, is not; but this is a different proposition altogether, I believe.

Dr. Woods: Isn't this put in to identify the voter?

Secretary Wilson: I would suppose that anybody could come along and put in two ballots if you didn't have the name of the state on.

Dr. Dillon: Mr. President, I would like to ask the Doctor to quote the law regulating this election.

President Emery: I will ask the gentleman from Louisiana if he obtained the floor, and if he will stand and make a point of order against himself.

Mr. Jones (Illinois): Mr. Chairman, it does seem to me that this manner of voting could bring this convention into confusion. If there is anything about this that is honest, I don't see into it. If there is anything about it that is fair, I don't understand it, and I am surprised at the gentleman from Ohio urging this. It is the first time on earth I ever heard of a gentleman representing the state of Ohio in a high place take a position that looks or seems to indicate that he is in favor of stuffing a ballot-box. I am surprised at that.

President Emery: I think the gentleman in reflecting upon motives in public debate is out of order.

Mr. Jones (Illinois): I will apologize to the Chair and also to the gentleman from Ohio,—

Mr. Dunlap: The apology is accepted.

Mr. Jones (Illinois): if I am out of order. I didn't believe it, but it certainly looks that way. I know the gentleman too well to believe he would be a party to anything of this kind. I do not want anyone in this convention, if they took it that way, to intimate anything of that kind. I know Mr. Dunlap well, and I know his people, and I know he stands high in his state, and as high as anyone upon the floor of this convention, and that is the reason I said what I did. I want to apologize if I said anything derogatory to him. I was not attacking the gentleman himself, but his methods, and it does seem to me that after this vote is taken, and if anyone not a member of this convention, and we have several here on the floor, should pass up their ticket, and it should be taken, there is nothing on earth by which it could be identified, what states they are from or anything about it, and it throws this convention into confusion, and it goes out over this country, Mr. Chairman, that there has been a president of this association elected, not by the legal votes of the convention, but by votes that have no right to be cast here. That is the impression that goes out over this country, Mr. Chairman,—

Mr. Rose: Will you yield to a question, Mr. Jones?

Mr. Jones: Yes, sir.

Mr. Rose: In this convention is not the number of states well known to the association, and just how many votes are to be cast?

Mr. Jones (Illinois): It is not, and you will find it out when this roll is called, God bless you, if you don't know it now. (Applause and laughter.) You will find it out when this roll is called, and that is why we are asking for a fair deal, when the secretary, the president, the executive committee and the whole thing is fixed up for the other side, and all we ask is a fair deal.



Mr. Dunlap: Mr. President, I do not care to reply at any great length to the gentlemen from Illinois. I do want to say, however, that I do not think any member of this convention should be forced to vote for a man whom they do not desire to vote for. I do also want to say that I have never yet found in any election where a man was required to write his name or the name of his state or to indicate in any other way just where he comes from and how he votes. We do not do that in a general election or any other election, and why should we do it here? (Mr. Jones trying to get the floor.) And all I ask for is for the gentleman from Illinois and the rest of you to allow the motion to be put that is before the house and let the convention determine whether or not they shall or shall not do this. If that is not fair I don't know what is.

Mr. Jones (Illinois): Maybe the gentleman and I misunderstand each other. As I understand the motion, he does not want the name of the state on the ticket. If he does want the name of the state on the ticket, I will withdraw this; but if he does not want the name of the state on the ticket I would say it was an outrage, and I could say more if it was proper on this floor.

Mr. McCoy: Mr. President, I have been attending scientific meetings now for nearly forty years, and this is the first meeting that has partaken of the nature of a political convention that I ever attended. (Applause.) This is the first time I have addressed the Chair, and there is no need of all this—

Mr. Jones (Illinois): Mr. President, I rise to ask a question—

Mr. McCoy: I would like to have the floor until I get through.

Mr. Wright: What is the subject under discussion?

Mr. McCoy: The discussion of the legality of the ballot. There is nothing at all to identify, when the states are called, if the representative of that state walks forward and cast the vote. I know the representative of Illinois; you know the representative of Iowa; we all know each other. There is no danger of any confusion of that kind; and as to writing the name of the state, I am not ashamed to write "Indiana" anywhere in the universe. There is nothing in that. But there is no necessity of writing the name and putting us to all this trouble. If some other man undertakes to represent Indiana I think I would object, and so would you. Nobody can do any illegal voting here, so I think the thing is to call the states and let each representative of a state come forward and cast his ballot, and if he wants to put in three votes for Bird and three for Flanders, all right.

Mr. Abbott: Mr. President, I think I have the right to rise to a question of personal privilege. The insinuations going on here seem to reflect on a great many of us who are new at this business. I came here to represent Texas, and I expect to represent my state according to my judgment, and simply because I happen to have voted as I did on the benzoate of soda question, that ought not to be interpreted in the way it has been interpreted as putting me in with the clique that is trying to run this thing over the other side. This is a reflection on me, it is a reflection on several of us that should not be made. It is not fair, and I am sure if the gentleman appreciated that he would not make it. The legislature put certain

restrictions, by legislative enactment, on the benzoate of soda. For me to come here and represent my state and vote for no restriction whatever would have been inconsistent. I consider it so. It was not because I care anything about benzoate of soda particularly. I don't know anything about it of my own knowledge. And so I see no reason why these gentlemen should reflect on those of us that happened to vote that way. I was not in favor of recognizing the gentleman from Mississippi, although that is my native state, because his credentials did not appear to me to come properly signed or he did not properly represent that state. So I don't see why it is that we reflect and we insinuate and continue to insinuate and reflect. I expect to vote my sentiments according to my conscience and according to my ability and my mental capacity, and this is unfair, it is unjust and it is not right.

Mr. McCabe: Mr. President, may I speak on the question?

President Emery: Well, the Chair is certainly confused as to what is the question before this house.



PRESIDENT EMERY CONFUSED.

Mr. McCabe: Well, perhaps I can clear it up.

President Emery: I shall thank you if you will.

Mr. McCabe: At the risk of repeating myself, I said there is no question before the house, because Mr. Bird's nomination has not yet been seconded by anybody recognized by the Chair, and the Chair has ruled that he must be recognized.

Mr. Brown (Tennessee): I seconded the nomination of Mr. Bird.



Mr. McCabe: Mr. President, I now move that we proceed to vote by ballot, the roll of states being called and the name of each state being written upon the ballot, the name of the candidate, and the number of votes cast. (Seconded.)

Mr. Wright: Mr. President, I rise to second the motion.

Mr. Dunlap: I move to amend that motion by striking out the word "state."

Dr. Dillon: Mr. President, I move to lay that motion on the table.

Mr. Robinson, I second the motion of the gentleman from Ohio.

A Delegate: Mr. Chairman, I move as a substitute for all pending motions—

President Emery: The Chair has not had time to put these motions, and I would be glad to have the privilege of stating a question before other matters are injected into the motion that is made. Mr. McCabe has moved that we proceed to ballot for president of this association in the order proposed. Now, will the stenographer read that resolution, please?

(Motion read by stenographer.)

President Emery: And that motion was seconded, whereupon Mr. Dunlap of Ohio moved, and it was seconded, that that motion be amended by striking out the requirement to name the state upon the ballot, and the question is upon the amendment to Mr. McCabe's motion. Are you ready for this question?

Mr. Wallis (Idaho): Mr. President, I move, as a substitute motion for all pending motions, that the provisions of the constitution and by-laws requiring the election of officers by ballot be suspended and that we proceed to elect our officers viva voce; that the roll of the states be called, and as they are called those authorized shall get up and announce the vote of that state or its choice for those officers. (Motion seconded.)

(Question called for.)

President Emery: The question is upon the substitute amendment, that we suspend the by-laws. Will the house please be in order? I respectfully ask the privilege of being able to state the motions before the house. It is moved as a substitute amendment that the by-laws of the association be suspended and that we proceed to elect the officers by a viva voce vote. Now, I understand that this requires a two-thirds vote to suspend these by-laws.

Mr. Dunlap: Mr. President, I demand a roll-call.

President Emery: The question now is upon the substitute amendment to suspend the by-laws and nominate officers viva voce.

Mr. Cannon: Mr. President, may I ask for your authority that it requires a two-thirds vote?

President Emery: Well, Mr. Cannon, that is my understanding, that to suspend or change the by-laws requires a two-thirds vote.

Mr. Cannon: I know, Mr. President, but these are the by-laws we go by.

President Emery: Mr. Cannon.

Mr. Cannon: Mr. President.

President Emery: May I ask you this question?

Mr. Cannon: Yes, sir.

President Emery: What are the usual rules of parliamentary practice?

Mr. Cannon: To abide by your constitution and by-laws.

President Emery: Well, where there is nothing specified in that on the general rules of parliamentary practice?

Mr. Cannon: Then, sir, you are governed by the convention itself.

President Emery: Very well. Now, the chairman rules, of this convention, that the suspension of the by-laws requires a two-thirds vote to suspend it. That is my understanding of general parliamentary practice, and I believe I am absolutely correct in it.

Mr. Wallis: Mr. President, having made that motion, I might say that you are correct in that, that it requires a two-thirds vote to suspend the by-laws.

(Roll-call demanded.)

President Emery: Now, the question is upon the substitute motion, that the by-laws of this organization be suspended and that the officers be nominated by a viva voce vote.

The motion was thereupon put by the Chair and carried.

The roll was then called by the secretary which resulted as follows: Yeas, 57; nays, 54.

President Emery: Now, the Chair rules that this motion fails to carry for want of a two-thirds vote.

Mr. Cannon: Do I understand you to say that it takes two-thirds of this body to change the—

President Emery: My ruling, as I understand parliamentary law—now, the Chair may be wrong, but that is his understanding of parliamentary law—that when the by-laws are set aside it requires a two-thirds vote to do it.

(Question called for.)

President Emery: Now, gentlemen, the way to get at this is, if the chairman is wrong, a majority vote will set the decision aside and—

Mr. Hudson (Georgia): Mr. President, it seems to me that where you have no specific rule a majority of any convention has a right to do as it pleases. It is only where there is a fixed rule that it requires a two-thirds vote of the convention to change it. Now, Mr. Chairman, I do not think there is a man in this body who would object to getting up and announcing that he is in favor of Mr. Bird or of Mr. Flanders. I do not see the slightest—

Mr. McCabe: Mr. President, I call the president's attention—I know the president has endeavored to be fair, and I call his particular attention to page 6 of this little booklet in which the by-laws of this association of State and National Food and Dairy Departments are printed, to Article XII, which says these by-laws may be amended at any regular meeting by two-thirds vote of the states represented. That provision was put in the by-laws, and it is a usual provision. Why is it necessary to put in a provision that by-laws can be amended by a two-thirds vote? Because if it simply said the by-laws can be amended at any time at a regular meeting, and some do say that, a majority vote would be sufficient to amend. This says they may be amended at any time by a two-thirds vote. If that is a motion to amend the by-laws, the ruling of the Chair, if I understand he has made a ruling, would be absolutely correct. But, Mr. President, this is not a motion to amend the by-laws; it is a motion to suspend them, and I contend,—and I believe you will hold



with me when you think it over, and I beg of you to take the time to think it over and do this deliberately,—I think you will hold that a majority vote is all that is necessary.

Mr. Cannon: Mr. President, in addition to what Mr. McCabe has said, I want to say that the state of Colorado in which we are sitting in its legislature in the last session—its rules were that the by-laws or rules could be suspended by a majority vote. I do not say that the rules of the legislature of the state of Colorado are paramount; I simply cite it to you as an authority.

President Emery: Now, gentlemen, I have been accused here by some of these gentlemen of deliberate unfairness.

A Delegate: Yes, sir.

President Emery: I deny any such purpose. I am willing to hold my hand up to Heaven and swear that it has been my every purpose—I may have made mistakes—to be as fair as I have known how to be in my rulings over this convention. (Applause.) Now, I have read Robert's Rules of Order. I don't claim to be a technical parliamentarian, but I have based my ruling upon this principle—(reading)—

"It is necessary for every assembly, if discussion is allowed, to have rules to prevent its time being wasted, and to enable it to accomplish the object for which the assembly was organized; and yet at times their best interests are subserved by suspending their rules temporarily."

A Delegate: This is one of them.

President Emery: I accept that. (Reading)

"In order to do this some one makes a motion 'to suspend the rules that interfere with,' etc., stating the object of the suspension. If this motion is carried by a two-thirds vote, then the particular thing for which the rules were suspended can be done."

Now, gentlemen, it is that rule in Robert's Rules of Order upon which I base my judgment.

Mr. Dunlap: Mr. President, I move that we proceed to ballot on the candidates nominated for president.

President Emery: Well, I think, Mr. Dunlap, if there is any appeal from the decision of the Chair the house should settle that. I cannot, in harmony with my judgment, in the face of the rules of order laid down in Robert's Rules of Order, I cannot stultify myself here in saying a majority will suspend these rules.

Mr. Cannon: Mr. President, I rise to inquire whether Robert's Rules of Order at any time or at the Mackinac session were ever adopted—

President Emery: I don't think they were; but in Robert's Rules of Order I recognize fair play, and so far as I can I will be guided by them in my rulings.

Mr. Briggs: Mr. President, I was going to ask the same question, and I now submit that the Chair has no right to be guided by Robert's Rules of Order or Cushing's Manual or any other manual until this body determines that that is the guide for their deliberations.

A Delegate: The Chair has three times suggested that it is proper for this body to appeal from his decision. It is obvious that he desires that we help him out. I therefore appeal from the decision of the Chair.

Mr. Dunlap: Mr. President, I move that we proceed with the vote for officers.

President Emery: The Chair understands that an appeal from the decision of the Chair is in order.

A Delegate: There was no second to it.

President Emery: That is true, there was no second. The motion by Mr. Dunlap from Ohio, as seconded by Mr. Robinson, is in order.

Mr. Wright: Is there not now a motion and amendment pending?

President Emery: I think not.

Mr. Wright: The original motion of Mr. Dunlap. Is the original motion of Mr. Dunlap and the amendment by Mr. McCabe not now in order?

President Emery: I think Mr. Wright's point of order—the question is—the substitute amendment was voted down. The question is, Does that carry with it the resolution and the amendment?

Several Delegates: No.

Mr. McCabe: Have you ruled that an appeal from the decision of the Chair to the body of the house cannot be taken and that this question recurs now on Mr. Dunlap's amendment to my motion?

President Emery: The ruling of the Chair was this, Mr. McCabe, and if I am incorrect on that I will change the ruling—

Mr. Dunlap: Mr. President, in order to clear the matter up I will withdraw my last motion, as I understand the motion before the house, made by Mr. McCabe, and amended by myself, is before the house at this time.

Mr. McCabe: Now, I don't agree with you. I think the question before the house is the appeal from the decision of the Chair.

President Emery: The question on the ruling of the Chair was on the appeal, and the ruling was that it had not been seconded, and therefore Mr. Dunlap's motion was in order. Now, if I am incorrect in requiring a second, that is the only question.

Mr. Wright: Well, I make the point of order that Mr. Dunlap's present motion is out of order—

President Emery: Well, Mr. Dunlap has withdrawn that motion.

Mr. Wright: Then I make the further point of order, Mr. Chairman, that the thing now before us is the amendment to Mr. McCabe's motion.

Mr. Dunlap: Correct.

President Emery: Now, I understand from that—and I want it understood that I am putting it up to this convention to either sustain my ruling or vote it down. I do not propose that you shall go out here and declare that I have been unfair unless you appeal from my decision or vote it down. I have some rights in this convention.

Mr. Dunlap: Mr. President, is it not agreed by all that the motion before the house now is the one made by Mr. McCabe and amended by myself? Is that correct, Mr. Wright?

Several Voices: Yes, sir.

Mr. Wright: That is my understanding.

Mr. Dunlap: I am willing, and I think all are willing, to vote on that question. Vote on the amendment first—as to whether or not the word "state" should be eliminated from the previous question.

Mr. Wright: I would like to have the motion and the amendment read.

The stenographer then read the motion and amendment as follows:

"Mr. McCabe: I now move that we proceed to vote by ballot, the roll of states being called and the name of each state being written upon the ballot, the name of the candidate and the number of votes cast."



"Mr. Dunlap: I move to amend that motion by striking out the word 'state.'"

President Emery: The question now is on the amendment by Mr. Dunlap to strike out the word "state" from the ballot. Those in favor of the amendment offered by Mr. Dunlap on the call of the roll of states will answer aye, those favoring that amendment; those opposed to that amendment will answer by saying no.

The roll of states was thereupon called by the secretary, resulting in a tie vote.

President Emery: It being a tie vote, the amendment is lost for want of majority.

Mr. McCabe: Now, Mr. President, I call for the question on my motion. Let us have the motion and vote on it and see where we are at.

President Emery: The question occurs on Mr. McCabe's motion.

Mr. Dunlap: May I inquire, Mr. President, what the result of that vote was?

President Emery: It was a tie vote. The question now occurs on the motion of Mr. McCabe. All in favor of this motion will, as the states are called, answer aye; those opposed no. The roll-call will proceed.

Secretary Allen: The motion is by Mr. McCabe, that the ballot be by putting upon each ballot the name of the state, the name of the candidate and the name of the one who cast the vote.

Mr. McCabe: No, the number of votes.

Secretary Allen: The number of votes cast, the name of the candidate, the state, and—

President Emery: Now, I want the stenographer to read Mr. McCabe's motion. Will the association be in order and listen to the motion made by Mr. McCabe as read by the stenographer.

The stenographer then read said motion, as follows:

"I now move that we proceed to vote by ballot, the roll of states being called, the name of each state being written upon the ballot, the name of the candidate and the number of votes cast."

President Emery: Now, as the states are called those in favor of this motion will answer aye; and the states opposed, no.

The roll was again called by the secretary, resulting as follows: Ayes, 93; noes, 15.

Mr. Dunlap: Mr. President, I challenge that vote that was given by the man from Louisiana.

(Calls for regular order.)

President Emery: Well, now, we will proceed to ballot for the office of president by a call of the states, and as the states are called the representative of each state will come forward and deposit his ballot containing the name of the state, the number of ballots and the name of the candidate for president, and the number of ballots, three, or whatever the number may be, not exceeding three.

Secretary Allen: For the information of the tellers, it is requested that the initials of the candidate be upon the ballot.

(Cries of "No," "No.")

President Emery: I suggest that the person having the ballots should come forward and deposit them in the hat held by the two tellers, and that the secretary will not be too rapid in the calling of the roll, that one

may have opportunity for voting before the next state is called.

The roll was thereupon called by the secretary, resulting as follows: Flanders, 57; Bird, 54.

[Ed. Note. For the benefit of our readers we herewith present a tabulated vote on the office of President.]

Those voting for Mr. Flanders:

ARIZONA.	MISSOURI.
CALIFORNIA.	NEBRASKA.
COLORADO.	NEVADA.
DISTRICT OF COLUMBIA.	NEW YORK.
GEORGIA.	OKLAHOMA.
IDAHO.	U. S. DEPT. OF AGRICULTURE.
ILLINOIS.	UTAH.
IOWA.	WASHINGTON.
LOUISIANA.	WYOMING.
MASSACHUSETTS.	

Those voting for Mr. Bird:

CONNECTICUT.	NORTH DAKOTA.
FLORIDA.	OHIO.
INDIANA.	PENNSYLVANIA.
KANSAS.	SOUTH DAKOTA.
MAINE.	TENNESSEE.
MICHIGAN.	TEXAS.
MINNESOTA.	VIRGINIA.
NEW JERSEY.	WISCONSIN.
NORTH CAROLINA.	KENTUCKY.

President Emery: A polling of the vote has been called for before it is announced, to verify this vote as it is.

Mr. Cannon: Now are you going to poll the vote?

President Emery: Mr. McCabe came to this Chair and asked me to poll the vote, and the Chair is going to sustain him.

Mr. McCabe: What I meant was, Mr. Chairman, the states should be polled to see if the states have all voted.

President Emery: That is fair.

Mr. Kracke (teller): There have been 111 votes cast on every motion that has been made here.

President Emery: Will you please read the names of the states and the number of votes for each candidate before announcing the result?

Mr. Kracke then read the list, showing the vote of each state, with the result as above set forth.

Mr. Wright: Mr. President, I move that a committee be appointed by the Chair to escort Mr. Flanders, our newly-elected president, to the platform. (Applause.)

President Emery: The total vote is 111, of which Mr. Flanders receives 57 and Mr. Bird 54. Mr. Flanders having received a majority is elected president of the association. (Applause.)

Mr. Dunlap: Mr. President, on behalf of Mr. Bird and his loyal supporters, I move that the election of Mr. Flanders be made unanimous. (Applause.)

(Motion seconded.)

Dr. Woods: It gives me great pleasure to second the motion.

President Emery: Are you ready for the question?

(Question called for.)

The motion was thereupon put by the Chair, and carried (1 vote in the negative).

President Emery: I am sorry, Mr. McCabe, you are opposed to that.

Dr. Woods: Mr. McCabe is so used to voting against anything I say that he cannot help it.



Mr. Wright: My motion, Mr. President, is that a committee be appointed by the Chair to escort Mr. Flanders to the platform so that we can hear what he has to say.

President Emery: Unless objection is made, that will be taken as the unanimous judgment of this association. I will appoint Mr. Wright, the Honorable Secretary of Agriculture, and the Honorable Mr. Jones of Illinois.

(The committee thereupon retired and returned with Mr. Flanders.)

(Applause.)

Mr. Flanders: Mr. President, and gentlemen of the convention. While I am appreciative of the honor that has been conferred upon me by this election, out of the tumult with which it has been attended, I am still reminded that this result is not out of a distinction of feeling between the respective candidates. I rather feel that it is an expression of this body as to existing pending questions, and that being the case I bow humbly to the proposition.

I also feel that we are now in a position where it becomes our duty to bring about a condition of things that shall be a condition of conciliation, shall be a condition that shall be harmonious toward right results and harmonious between the states and the nation.

Thirteen years ago it happened to be my pleasure to be one of the men who helped form this organization. Gentlemen, if there is any bad luck in the number 13 I fail to see it, except that it came through a struggle. I shall, during the next year, represent this body probably in two capacities—one as a representative of the state from which I come, and as such I shall have personal opinions or opinions that represent my state; and in the other capacity, the dual capacity. I shall represent you, this body, and bow humbly to its orders, whatever they may be, and my personal will will be out of it. I shall do as you want me to do under the constitution and by-laws as nearly as I can interpret them.

Mr. President and gentlemen, I thank you for the compliment extended to me. (Applause.)

Mr. Jones (Illinois): Mr. Chairman, I desire to call up Mr. Bird, of Michigan, to say a word to the convention, if I can get unanimous consent. (Applause.)

(Mr. Bird called for.)

President Emery: Mr. Jones, of Illinois, asks that Mr. Bird be requested to come before the convention. Is there objection to this?

(Mr. Bird called for.)

President Emery: If there is no objection, it will be taken as the unanimous wish of the association, and the Chairman will appoint Mr. Jones, Mr. Dunlap and Mr. McCabe to invite Mr. Bird to come forward. (Applause.)

Mr. Bird: Mr. President, I wanted to address the president-elect, and I trust he is here—

President Emery: He is here.

Mr. Bird: Mr. President-elect, members of the association, ladies and gentlemen: It is a great pleasure, and I suppose some of you will think it is not, but I assure it is truly a great pleasure for me to come before this convention at this time and congratulate you upon your choice for president for the coming year. I would like, above all things else, since I have

learned what that vote was, to feel that those fifty-four men were my personal friends and voted for me on grounds of personal friendship. It would be one of the dearest thoughts I could take back with me to Michigan. And I know that the president-elect had rather, above all things else in this world, feel that those fifty-seven men were his personal friends and that they voted for him on grounds of personal friendship. I am afraid it would be egotistical for either of us to make such an assumption. There has been an element of personal friendship in it all, and a most delightful element of personal friendship, and I shall never forget those friendships so long as I live. But there crept into the deliberations, in spite of us, other considerations; there crept into our deliberations another influence, which we could not help. I would not have helped it if I could. That influence was the predominating influence in this convention, and that influence was just this—who of all the membership of the convention could best restore harmony to the association of State and National Food Departments? You have considered that question for four long days, and I want to say to the president-elect that to my mind it is one of the highest compliments that was ever paid to any man that he has been chosen because this convention considered that he is the man, the more diplomatic, the stronger, the better able to bring about the thing which, gentlemen, must be brought about in this association before the next year passes, and I want to say to him that it will be the happiest thing I could do were I to be the first to extend to him my felicitations and my congratulations. I know, however, that cannot be. He has had them from every member of this association before this. But I want him to know that none comes from a truer heart than my own.

I thank you. (Applause.)

President Emery: Gentlemen of the convention, Article V on the election of officers is as follows: "All officers shall be elected by ballot, and shall hold office until the last session of the next annual meeting, or until their successors are duly elected." I understand that—I do not think this language of "session" and "meeting" is strictly accurate, but as I understand this, we have come to the last meeting of this association, and that my successor is duly elected, and that my successor is now the presiding officer of this association. I shall hold that to be the case, and I yield this office to the president-elect of this association.

Mr. Wright: Mr. President, I feel that no one here agrees with you on that proposition, and if necessary I will appeal from the decision of the Chair. I take it that the object of the constitution is to fix the time when some new officers begin.

President Emery: I think some gentlemen should be in this Chair who can preside over this convention fairly.

(Cries of "No," "No.")

Mr. Wright: I absolutely agree with you, Mr. President, but I still maintain my contention that we have had fair treatment here this afternoon and expect still to have it.

President Emery: I don't think this question should be discussed. It seems to me a plain proposition that my term of office ceases at this time.

Mr. Briggs: Mr. Chairman, I think this convention feels confidence in your integrity, in your desire to do



fairly, and that you have done what you thought was your duty—

President Emery: I think these remarks are out of order, gentlemen,—

Mr. Briggs: Let me state my proposition, then, Mr. Chairman. I construe the constitution to say that you shall be the officers until they are elected and installed, and the election of one does not, in my opinion, permit you or ask you to retire now. You are to continue as the officer until all of the officers are elected. That is my interpretation of it, and I believe that is correct.

President Emery: I want the judgment of this association as to whether or not my office now terminates. I do not want to be accused of having held onto this office after my successor has been elected.

Mr. Jones: Mr. President, I have been happy in being chairman of this association twice. I did not have the pleasure, other matters in Illinois keeping me away—I desired to be at the last two conventions but could not attend. But as I recollect, and if there is any one here who recollects differently I would like to hear from him, the president held the chair until the officers were all elected. When the business of the convention was done then he yielded the gavel to the new president and the new president took charge for the next year.

Voices: That has been the custom.

President Emery: Understanding, then, that if I continue this office I am not usurping it, I will continue to act as president until the close of this session. (Applause.)

The next in order are the nominations for vice-president.

Mr. McCoy: Mr. President, I move that in the nomination of candidates hereafter nominating speeches be dispensed with. (Seconded.)

President Emery: By unanimous consent—as I understand the suggestion, it is that in the election of these officers hereafter nominating speeches be dispensed with. Is that the suggestion?

Mr. McCoy: Correct.

President Emery: Well, now, is this by unanimous consent?

Voices: Yes.

President Emery: Very well. Then we will proceed to the election of first vice-president, and the states will be called, and as the states are called you will deposit—the ballots will be cast—

Mr. Jones (Illinois): Mr. President, in order to expedite matters, if it is agreeable, I move that the roll-call of states be dispensed with, and let anyone put in nomination any person he may desire, and then call the roll of states on the election.

President Emery: But I understood the suggestion to be that we proceed without nominations.

Mr. McCoy: Oh, no, but without nominating speeches.

**WHEREUPON THE OFFICERS FOR THE ENSUING YEAR WERE ELECTED AS FOLLOWS:**

**DR. LUCIUS P. BROWN OF TENNESSEE FIRST VICE-PRESIDENT.**

**DR. D. HARVEY DILLON OF LOUISIANA SECOND VICE-PRESIDENT.**

**MR. ANDREW FRENCH OF MINNESOTA THIRD VICE-PRESIDENT.**

**DR. W. M. ALLEN OF NORTH CAROLINA SECRETARY.**

**JAMES FOUST OF PENNSYLVANIA TREASURER.**

**MEMBERS OF EXECUTIVE COMMITTEE:**

**DR. CHARLES D. WOODS OF MAINE.**

**DR. S. A. CRUMBINE OF KANSAS.**

**DR. A. N. COOK OF SOUTH DAKOTA.**

Dr. Cutler: Mr. Chairman, as chairman of the committee on next place of meeting, I wish to say that the places which have applied for the opportunity to entertain this association the next time are New Orleans and Milwaukee. The committee were unable to decide as between these two places, both seemingly equally desirable, so we thought it best to place the matter before the convention for their decision, and so we submit our report.

Mr. Hudson (Georgia): Mr. President, I would like to correct an error. He claimed there were only two places that put in an invitation to the convention for next year. Atlanta has put in an invitation.

Dr. Cutler: Dr. Stallings came to me and said he desired to withdraw Atlanta from this proposition.



DR. W. P. CUTLER, PRESENTING INVITATIONS FOR NEXT CONVENTION.

Dr. Dillon: Mr. President, I am going to make a motion, and in speaking to the proposed motion on behalf of the Louisiana State Board of Health, the Louisiana State Medical Society, the New Orleans State Medical Society, the Progressive Union and the whole people of Louisiana, I want to invite the members of this association to hold their next convention in the Crescent City. In speaking further for this motion I want to assure you that the entertainment provided by the people of the Crescent City will absolutely make you glad you came south. In offering you an invitation to visit our city it is needless to say that we prefer having you come in the latter part of November or first of December, at a time when we



could make it most pleasant for you. In offering you this invitation I want to assure you that we will give you the best fish, the best chicken, the best rice, the best sugar and the best molasses you have ever consumed. I want to move now that when this convention adjourns it adjourns to meet in the city of New Orleans some time in November or December, that time to be selected by the president and executive committee of this association, if this motion meets with a second.

Mr. Hudson (Georgia): Mr. President, in behalf of the governor of Georgia and the mayor of the city of Atlanta and the Chamber of Commerce and the state of Georgia I invite this convention to meet in the city of Atlanta. You can get to Atlanta easier than you can get to New Orleans. There is not a railroad that starts in that direction that don't go through Atlanta. To get to New Orleans you have to go through Atlanta. (Laughter.) Now, we realize the hard proposition we are up against. Having been in Denver and seen how nicely and how well we have been entertained we know the test that has been set by this city is going to be very hard to follow, and we believe if there are any people on the face of the earth that can do it it is the Georgia crackers, and we want you to come down and be with us. Now, I am not going to make any speech, because you are all tired, and so am I, but we promise you we will give you a Georgia barbecue; we will give you what we give the president—barbecue possum. Come and partake of it. We want you. (Applause.)



COMMISSIONER T. G. HUDSON, Georgia.

Mr. Jones (Louisiana): Mr. Chairman, I rise to second the motion of Dr. Dillon—

President Emery: You put us now in a very embarrassing situation. Dr. Dillon moves that when this

convention adjourns it adjourn to meet in Louisiana. I think—

Dr. Dillon: Mr. President, I rise to a point of order.

President Emery: My impression is that when that motion is seconded it cuts out debate and cuts out other invitations here. I am not sure I am right, but that is my impression.

Mr. Briggs: I beg to differ with you, Mr. President. They do not move to adjourn but they move that when they do adjourn, etc. That is debatable.

Mr. Hudson: Mr. President, it seems to me the proper way to put that would have been that when we meet we—

Dr. Dillon: Mr. President, I make the point of order that there is no motion before the house until somebody is given an opportunity to second my motion or has seconded it.

President Emery: I raised the question so the convention would understand my own position, if a second is received, and I did that for the purpose of giving this body a chance to express itself, as I have tried to do from the first moment I came onto this platform.

Dr. Jones (Louisiana): Mr. President, I desire to second that, because Louisiana has a reputation for its hospitality and for wanting people to come there, and also from the fact that there are to be found in Louisiana more products of interest to an association of this kind than in any state, I suppose, in the Union; and I therefore ask you to come, feeling that we can afford you opportunities of seeing the use of sulphur in the manufacture of sugar, and great salt mines, rice fields and everything of that sort. I am sure we can offer you as fine trains into Louisiana as you find going into any place, and that we will secure for you railroad rates that will not be beaten by any other state in the South.

Mr. Dunlap: Mr. President, I move that the motion be laid on the table. (Seconded.)

President Emery: The motion that has been made by the gentleman from Ohio is that the motion that when this convention adjourns it adjourn to meet in New Orleans, Louisiana, at some time to be fixed by the executive committee, be laid upon the table. This is not debatable, and this vote will come to the states, and the secretary will call the roll. The question is upon laying this motion upon the table.

Mr. Rose: Mr. President, I would like to have an explanation before I vote on this question. The city offers us an invitation to meet within her borders, and it would be discourteous on the part of this association to lay an invitation on the table. They are all entitled to a vote. Louisiana has invited us to come there, and whether I want to go or not is not the question. The question is Shall we treat an invitation—

Dr. Dillon: Then I withdraw the motion I made a while ago.

President Emery: Does the second consent to the withdrawal of the motion?

Dr. Jones: Yes.

President Emery: Is there objection to the withdrawal of the motion by Dr. Dillon of Louisiana? No objection being made, the motion is withdrawn.

Dr. Dillon: The motion is withdrawn.

Mr. Wright: Mr. President, I desire to move that we now proceed to vote our choice on these three towns by call of the states. (Seconded.)



President Emery: Now, gentlemen, I ask one privilege here, and I really wish it, and I wish to call my successor to the chair. I want two questions of privilege. Mr. Wright, will you just bear with me for that?

Mr. Wright: Certainly.

(President-elect Flanders assumes the chair.)

Mr. Emery: Mr. President, before coming from Wisconsin I received a letter from the secretary of one of the clubs of Milwaukee that attends to all these matters. I can't call it by name, the committee has it, asking me if I would invite and co-operate with Milwaukee to secure the meeting of this convention or this association in Milwaukee in 1910. They desired it, and they desire it in connection with the great dairy show. I replied by letter that Ohio had placed last year an urgent request for the meeting of this association in 1910, and that if Ohio renewed that request I would not be in a very good position to urge the invitation from Wisconsin, but that if Milwaukee extended an invitation and there was no invitation from Ohio I would take pleasure in seconding the request from Milwaukee. After coming here I have received a telegram and a letter from the mayor of Milwaukee, which is in the hands of the committee, and I also received a letter from this association that I cannot call by name, but it is an association that exists in Milwaukee for the taking care of these things, the same as this association here in Denver does it, and they have asked me if Ohio did not present an invitation to second their nomination, and in fulfillment of my agreement to the city of Milwaukee I now second the invitation of Milwaukee to hold the meeting of this association in Milwaukee for 1910.

I desire at the same time—I don't think that this is the immediate time—but I desire a few minutes to address this convention on a question of personal privilege.

Mr. Wright: Mr. President, I do not know whether my motion is before the house or not, but I desire to have a motion put to vote our choice on these cities for our convention for next year, by states, viva voce.

Mr. Kracke: There are three invitations, as I understand it.—New Orleans, Milwaukee and Atlanta.

Secretary Allen: Yes.

President Flanders: It is moved and seconded that we proceed to ballot on the place of the next meeting, to vote by states and viva voce. You have heard the motion; are you ready for the question?

(Question called for.)

The motion was thereupon put by the chair, and carried unanimously.

Dr. Woods: Mr. President, just a word before we vote upon this. It does not bear upon this at all. There are lots of us who have known for a good many years Dr. Scovell, and we have learned to love him, and I know that you will be equally gratified to learn what I have just learned from our secretary, Mr. Allen, that he has received a telegram that the operation had been made and that it was not found to be malignant, and that it has been thoroughly drained, and it looks as though Dr. Scovell would recover. (Great applause.)

Mr. Wallis: I move that this association send a telegram of congratulation to Dr. Scovell. (Seconded.)

President Flanders: There is a motion before the house.

Mr. Wright: I withdraw my motion.

President Flanders: The motion of Mr. Wright is withdrawn, and the motion of the gentleman from Idaho that we send a telegram of congratulation to Dr. Scovell is in order.

The motion was thereupon put by the chair, and unanimously carried.

Mr. Wright: Mr. Chairman, I renew my motion.

Mr. Briggs: Mr. President, I desire to renew the second.

President Flanders: The motion is before the house that we proceed to ballot for the place of our next meeting, the ballot to be by states and viva voce. The secretary will call the roll.

Mr. Robinson: A majority will settle the vote, or how?

President Flanders: The largest number.

Mr. Briggs: Is it to be a majority of all the votes cast or the largest number?

President Flanders: That has not been determined by this body.

Mr. Briggs: Will the chair determine it now? It seems to me at this late hour it would be fair if we decided upon the place—

President Flanders: The chair will take this position, if there be no objection, that the place receiving the largest number of votes will be declared the choice of the association. Is there any objection?

Mr. Dunlap: Mr. Chairman, I respectfully object.

President Flanders: There is objection. What is the pleasure of the convention about this thing?

Mr. Wright: If it is in order, I move that this rule be established in regard to the vote, that the city having the least number of votes be dropped from the list and the other two be voted for on a second ballot. (Seconded.)

Mr. Wright: Now, I mean to be understood that if a city has a majority, that finishes it.

President Flanders: Provided no city has a majority. Are you ready for the question?

(Question called for.)

The motion was thereupon put by the chair, and carried unanimously.

President Flanders: Proceed with the roll-call.

The roll was thereupon called by the secretary, resulting as follows: (New Orleans selected.)

Mr. Hudson (Georgia): Mr. President, I move that we make it unanimous, the meeting at New Orleans next year. I hope all of you will come. (Motion seconded.)

The motion was thereupon put by the chair, and carried unanimously.

Dr. Woods: Mr. President, I move that the time be left in the hands of the executive committee. (Seconded.)

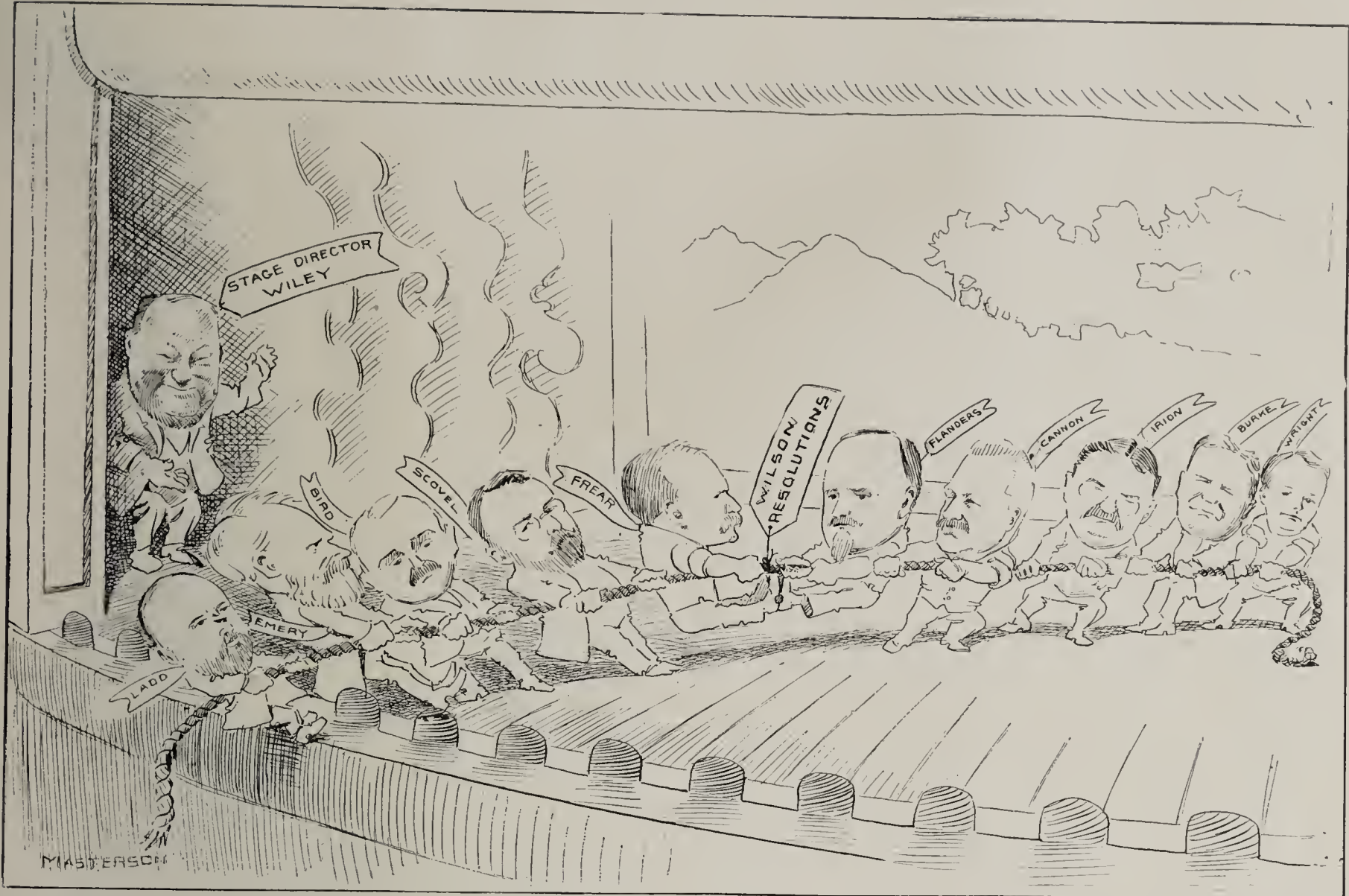
The motion was thereupon put by the chair, and carried unanimously.

Mr. Emery: Mr. President, I rise to a question of special privilege.

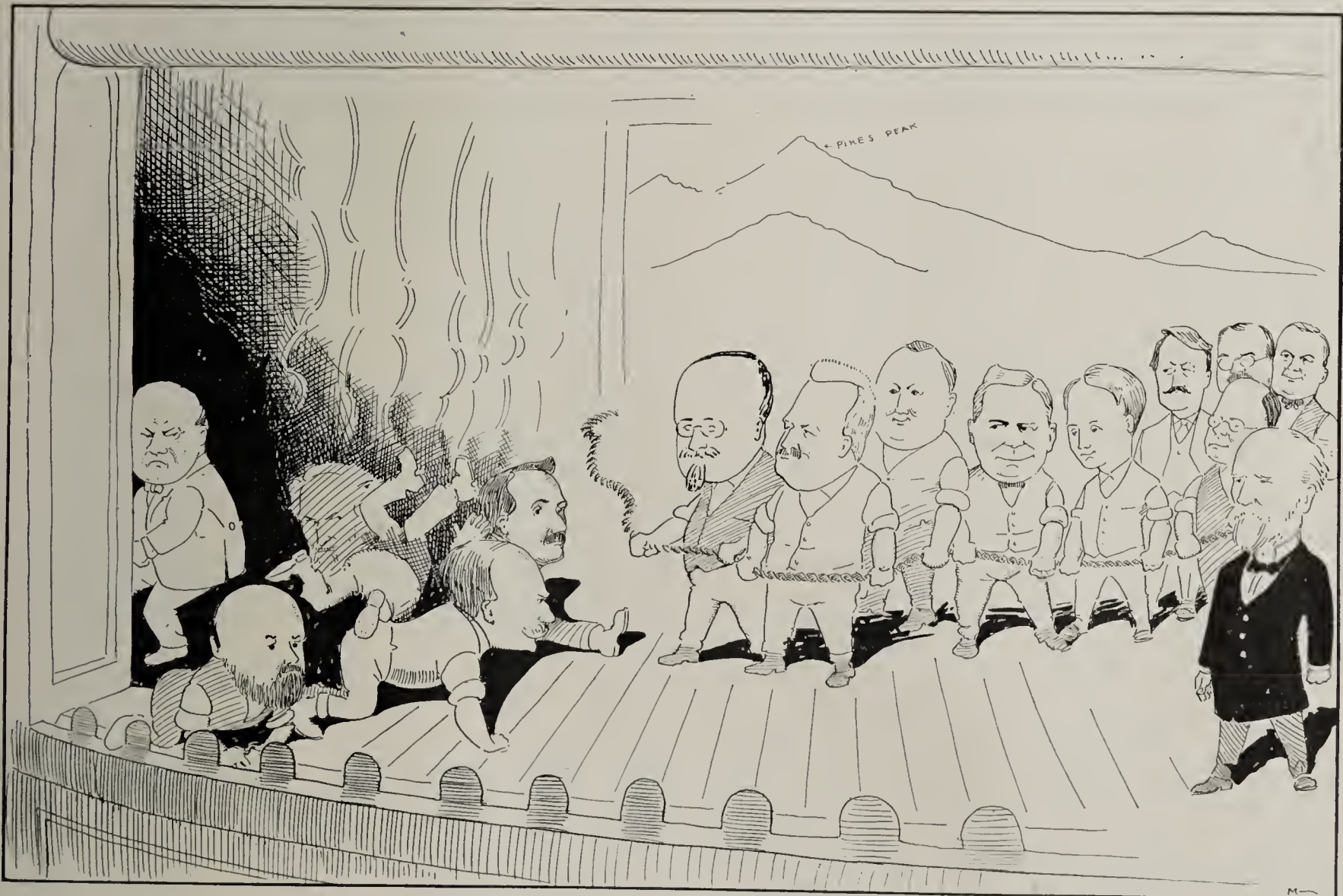
President Flanders: You will state your question of special privilege.

Mr. Emery: I have been accused on this floor of being unfair in my rulings as president. When I came to the last paragraph of my address I pledged myself to the utmost of my ability to the carrying out of the wishes of this association and of the program pro-





THE MASTER OF CEREMONIES STAGING THE GREAT TUG OF WAR ACT.  
—American Food Journal, August, 1908.



THE CLIMAX OF THE GREAT TUG OF WAR ACT, DENVER, 1909.



vided. I here declare that I have done that to the best of my ability. I have made certain rulings. I said to carry out the wishes of this association, and in the rulings I have kept that promise in my mind. I have not made claim to being a technical parliamentarian. I have the ordinary intelligence on that subject. I have read Roberts' Rules of Order, and I have had some experience in public meetings, and I have to the best of my ability carried out that pledge. I think that when the question of what shall constitute the membership of this association arose before this organization, when the president of this society found confronting him such a conflict as has never been before this association, that the first question of importance in this organization, in the interest of every member of this organization, was, what constitutes the membership? And I ruled that the first paragraph made clear without any technicalities, waiving all technicalities, and there were plenty of technicalities in that, that where there were state food departments that the constitution unquestionably made those persons members, but when persons came on appointment from the governor they were eligible, and that I would hold, for the purpose of securing the right membership in this association, and put it to a vote of this association to determine for themselves whether those persons were eligible for membership or to vote on election, and I submit that the vote you have taken this afternoon in rejecting Mississippi affirms my ruling on that question. Had I not ruled in that way I should have been compelled to have omitted Mississippi, and I submit that your very vote has affirmed my action in that matter.

Now, I was accused here this afternoon of delaying this meeting for partisan reasons. I do not think I have been a partisan. I have strong convictions in this matter. But I did not do it deliberately, and I will give you the reason. I have carefully read Roberts' Rules of Order, and in reading that—I will turn to it now—it is there, that it is customary and usual for the presiding officer to delay the calling of a meeting and not call it strictly on time. Had I rushed in here at two o'clock and called this meeting to order and certain members had not been here I should no doubt have been accused of being unfair and pushing this matter without reason. To protect the rights of every member of this association I delayed this matter for fifteen or eighteen minutes, and I did it deliberately and for that purpose.

Now, on the matter of ruling on certain questions, I held up the manual of parliamentary practice and read from this, and I have been answered to the effect that it has not been adopted by this association. But in my effort to carry out the wishes of this convention I resorted to Roberts' Rules of Order for guidance, which is recognized and adopted in nearly all parliamentary bodies, and if that is unfair, gentlemen, I am unfair. I may not have understood all the parliamentary rules, and if you accuse me of lack of ability to do these things, or of parliamentary knowledge, I assume no responsibility, but when a gentleman on the floor of this convention imputes to me dishonorable motives I claim the privilege to resent that imputation and to give the reasons for my resentment.

Dr. Dillon: Mr. President, I want to offer a resolution at this time if I may.

**"RESOLVED, THAT THE SENSE OF THIS ASS'N. IS THAT, WHEREAS THE CLOSING SESSION OF THIS ASSOCIATION HAS BEEN A STRENUOUS ONE AND MOST**

**TRYING ON THE PRESIDING OFFICER, WE THEREFORE EXTEND TO THE OUTGOING PRESIDENT AND SECRETARY OUR SINCERE THANKS FOR THE CONSCIENTIOUS AND PAINSTAKING MANNER IN WHICH THEY HAVE DISCHARGED THEIR DUTIES AS THEY HAVE SEEN THEM."**

Mr. Wright: I second the resolution, and move that the association do deference to the retiring president by its adoption by a rising vote. (Seconded.)

The motion was thereupon put by the chair, and carried unanimously by a rising vote.

Mr. Kracke: Mr. President, on behalf of the committee on publication I wish to say that the committee has met, and they are of the opinion that probably the best method to pursue would be to publish the proceedings at Mackinac and the proceedings of this year in one volume. It will be quite a saving. I understand from Dr. Ladd that there is but one copy of the proceedings of the Mackinac convention in existence, which is about to be returned to him from the printer. I therefore move, so that Dr. Ladd will feel authorized to turn it over, that Dr. Ladd be authorized to turn it over to the chairman of the committee on publication, and that when the minutes of this convention are completed they also will be turned over to the chairman of the committee on publication so that we may receive bids for the printing. It is our recommendation to have these minutes published at the very earliest possible moment.

Dr. Woods: I second the motion.

The motion was thereupon put by the chair, and carried unanimously.

Mr. Kracke: As soon as these copies are received back from the printers they will be filed with the secretary as his record.

President Flanders: Are there further reports of committees?

Mr. Barnard: The committee on the sanitary law has a report to make. Shall I read it?

President Flanders: The chairman of the committee on sanitary law asks the chairman the following question: "Shall I read this report?" It is somewhat lengthy.

Dr. Woods: I move that it be read by title and considered a part of the proceedings and passed over to the secretary for printing. (Seconded.)

The motion was thereupon put by the chair, and carried unanimously.

President Flanders: Are there further reports of committees?

Dr. Woods: Mr. President, by unanimous consent again, you know I live away up in the northeast corner of this country. We have the finest stretch of sea-coast for about 500 miles in a straight line that there is in America. There is no question about that, there is no boast about it; it is merely a fact. We have the sea and mountains combined as it is nowhere else on this continent. Now, I would like some time to ask this association to go to Maine if in the judgment of the people that are here we are not so far away, geographically, that the journey is an impossible one. Of course it is not any farther from Denver to Maine than it is from Maine to Denver, but more people would have to travel that way. We have met in Portland, Oregon. It is not so hard to get to, so far as the number of states are concerned, because of the larger number of states lying east of the Mississippi river. I am



not asking you for an expression of opinion to go to Maine, but I would like to see the hands of those here who think Maine is within the geographical reach of this association. (Hands up.)

I thank you.

Mr. Cannon: Mr. President, there being no further business to transact, I would like to move that this convention do now adjourn, with the closing words of my invitation to you to come to Denver—"Thank God we are alive." (Laughter.)

President Flanders: You have heard the motion of the gentleman from Colorado. Is there a second to the motion? Is that a motion to adjourn *sine die*?

Mr. Cannon: Yes, sir.

President Flanders: You have heard the motion of the gentleman from Colorado that we now adjourn *sine die*, with the expression on our lips that we thank God we are alive.

The motion was thereupon put by the chair, and carried.

(THE END.)



DR. HARVEY W. WILEY.



## CONVENTION NOTES,

Oh, those canyons.

\* \* \*

But it is not the same Allen!

\* \* \*

Congratulations, President Flanders.

\* \* \*

Wright, no matter how you spell it, will prevail.

\* \* \*

The open door policy was powerfully popular all at once.

\* \* \*

Science has once again triumphed over sensationalism.

\* \* \*

Commissioner Cannon is a big gun at any convention.

\* \* \*

I love the good old ring rule conventions, but, oh, you open session!—Allen.

\* \* \*

Commissioner Mains thinks of buying one of those ticklers for his back yard.

\* \* \*

For the first time in years the business of the Association was in the hands of its membership.

\* \* \*

Commissioner Ladd laid his model food law out for inspection but failed to enter it for a prize.

\* \* \*

Now if South Dakota's Dr. Cook said he had discovered the North Pole it would be different.

\* \* \*

Slates will be made and Slates will be broken, but it is worth while to get a chance to vote one's choice.

\* \* \*

Benzoate won because backed by science. Other scientific questions must furnish the same credentials.

\* \* \*

President Emery had his guns loaded to the breech, but was hardly prepared for the explosion which followed.

\* \* \*

The Iowa State Fair called Commissioner H. R. Wright home, but not before the fight was practically finished.

\* \* \*

Well, well, well! Wiley's erstwhile ambition to become Secretary of Agriculture received another severe jolt.

\* \* \*

In that auto ride we felt almost a speaking acquaintance with the millionaire senators, Guggenheim, Patterson and Teller.

\* \* \*

The refrigerator on top of Mt. McClellan was not half as chilly as a certain disappointed faction after they found they represented a minority of those present at the convention.

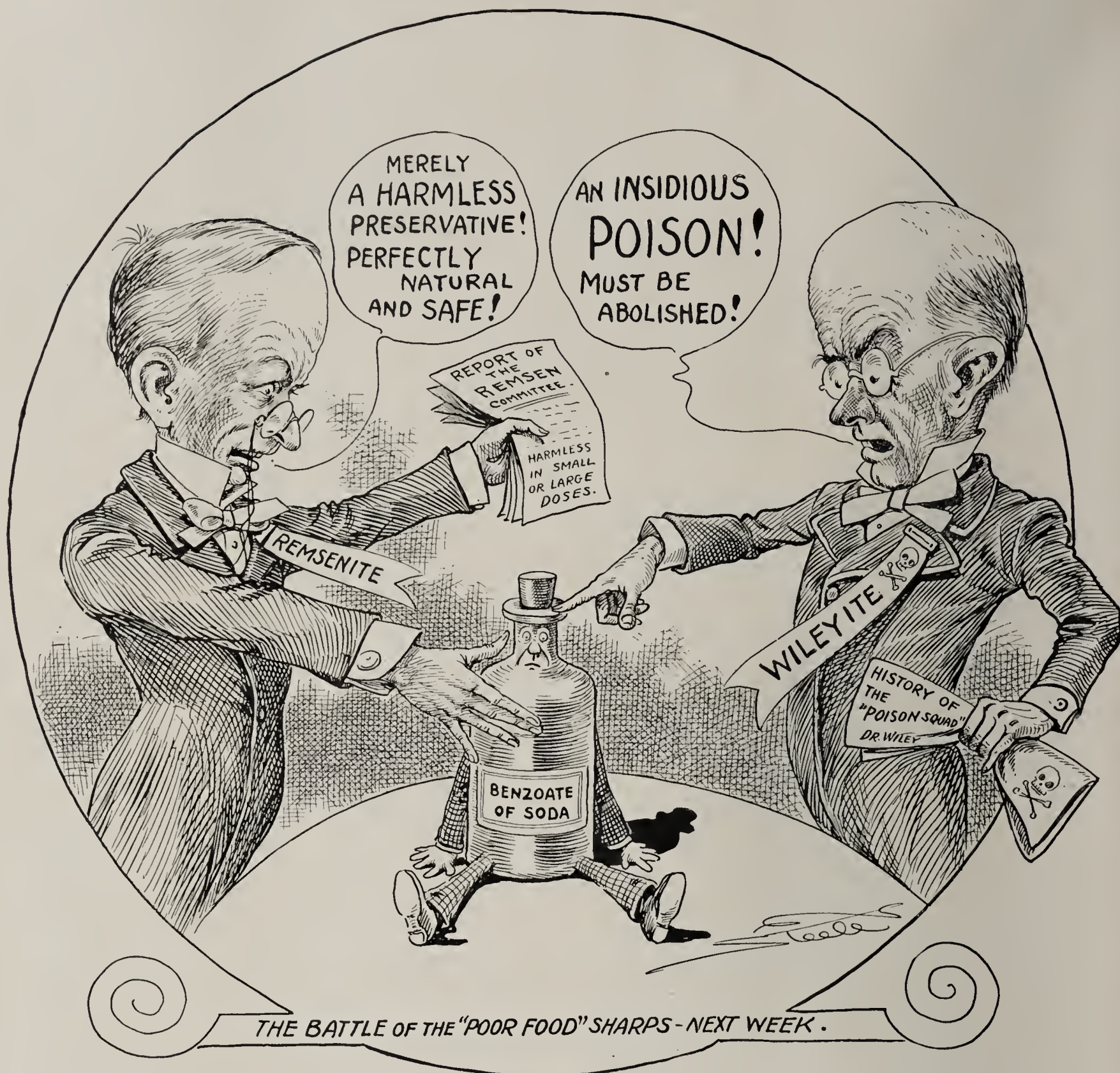
\* \* \*

The menu card at the complimentary dinner would have thrown a woman's club into frantic fits but the viands served belied their official title so an ambulance was not needed.

\* \* \*

The American Medical Association (i. e., the ringsters of Reed's stripe that run it), and the National





*The Denver Post, Aug. 21.*

Consumers' League (Alice Lakey) are evidently on the same scientific footing and each uses the other to back its resolutions.

\* \* \*

Denver, with the finest natural scenery of any city in the country, is now beautifying itself by a series of parks. City Park, Lakeside and Washington Park, the older ones, are already very attractive and the newer ones will grow.

\* \* \*

For the first time in almost a decade there were no little and big bottles of free whisky on tap at the convention. The whisky question was so thoroughly understood that it did not disturb the convention in the least from any standpoint.

\* \* \*

Dr. Wiley says he has received so many letters from his female admirers that he has decided not to resign

but to hang on to the salary as long as it hangs to him. It is significant that no scientific body (exception noted) has answered the emergency call for help.

\* \* \*

If the American Medical Society desired to place itself on record in the benzoate-Wiley controversy, why did it not refer the matter to such of its membership as could intelligently digest the data already secured and who were qualified to make additional experiments if demanded, rather than to the political action committee?

\* \* \*

The Association of Official Agricultural Chemists, at one time, looked larger than the National Association of State Dairy and Food Departments. Then it looked different; the leaders of the first-named organization first ignored, then contested, and finally when they attempted to assimilate and control the greater organization, found it had grown out of their hands.





UNCLE SAM: "WHEN DOCTORS DISAGREE! GOSH, I FEEL SICK ALREADY!"

*The Denver Post, Aug. 22.*

Some physicians with a distorted belief in what the public expect of them dislike to display ignorance on any conceivable subject from the differentiation of bacteria in milk to the discovery of the North Pole, but the greater number find the work and study of a life time in one branch of surgery or therapeutics. To whom does the intelligent layman turn when in need of professional services?

\* \* \*

We were told on the top of Mt. McClellan that one million five hundred and sixty thousand dollars and thirty cents was taken out of the biggest pocket in the "refrigerator." But the distinguished chauffeur who piloted Commissioners Hansen, Bird and Dunlap in the auto ride informed them that it was never a mine, only a prospect which dwindled to a hole in the ground in the panic of 1903. He knew because he was one of the miners who handled the pick.

\* \* \*

Everybody was sorry for Commissioner Foust of Pennsylvania. The powers that be, laid down one



E. L. REDFERN, NEBRASKA STATE CHEMIST.



**HOLD YOUR BREATH.***The Denver Times, Aug. 23.*

law; the yellow newspapers were making life miserable in another direction. The state law demanded one thing, his Wiley and former Mackinac associates another, and the Referee Board still another. No wonder he tried to evade the issue. The climate of Colorado would have been a much pleasanter topic of conversation.

\* \* \*

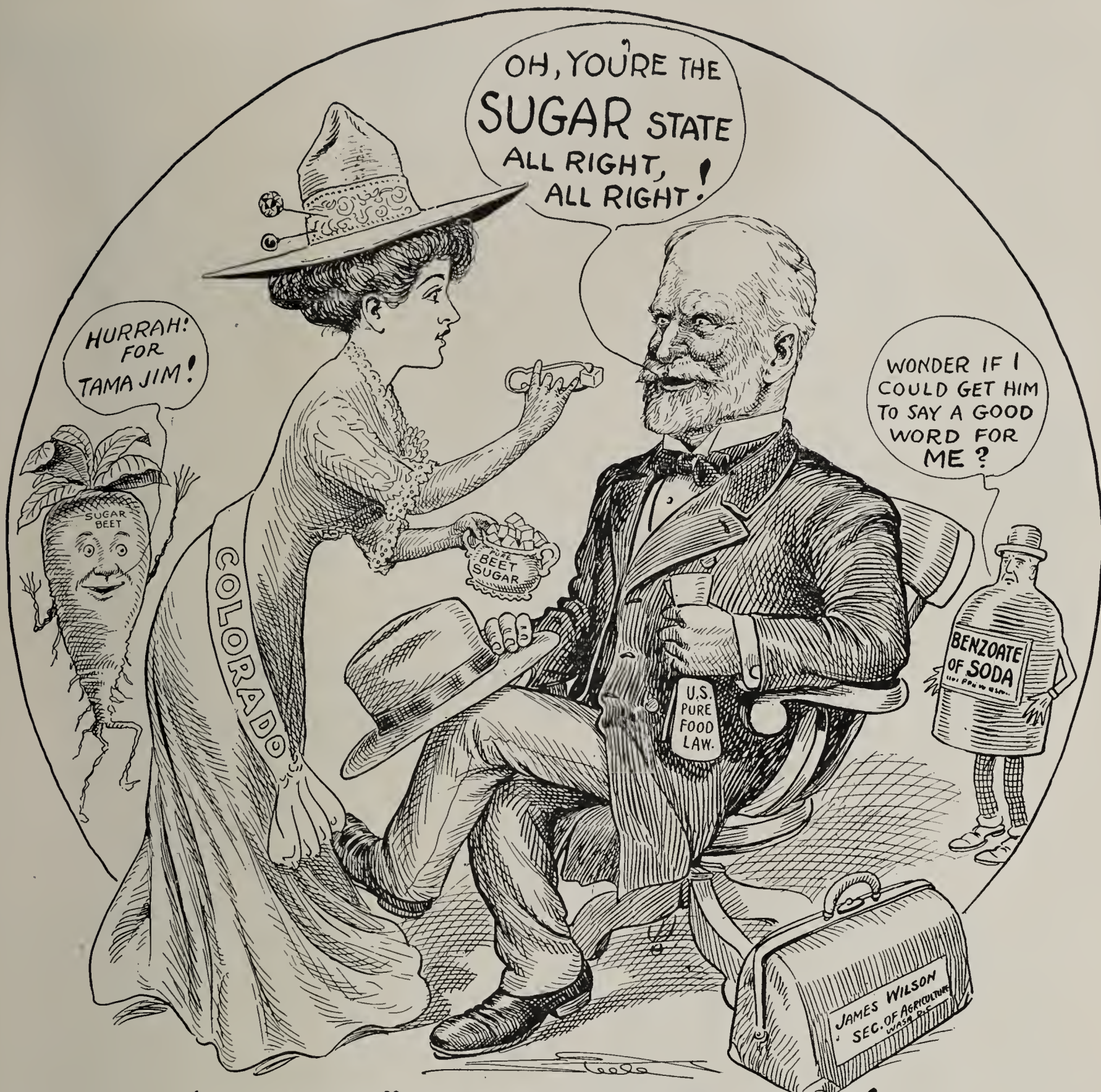
In eastern Colorado and western Nebraska, the desert has indeed been made to blossom like the rose. The prairie dog, the owl, and the rattlesnake have succumbed to the invasion of domestic animals. Their homes have been devastated by the plow. The sage bush and cacti have yielded to cultivation; the buffalo grass has retired in favor of alfalfa; and all has been accomplished in less time than the contract agreement of Jacob to earn a wife. Great is irrigation.

\* \* \*

Benzoate, like a woman, must have a last word, although, it is not customary in a debate for one side to have more than one opportunity to reply to the arguments of the opposition. Dr. Reed in asking for and obtaining from, the President, the privilege of replying to Prof. Remsen's reply, violated all the rules of debate and legal procedure and the favoritism dis-

**HERMAN HARMS, UTAH STATE CHEMIST.**





**"TAMA JIM" GIVES HER A NEW NAME!**

*The Denver Post, Aug. 24.*

played very commonly would be considered "unfair". No objection was, however, raised in the convention by the scientists or others present probably suggested by the advisability at times of giving the calf more rope.

\* \* \*

At no time in the history of the Association of State and National Food and Dairy Departments can the Association complain of shabby treatment at the hands of the city entertaining the convention. Every city, every state, and every food department has always exerted itself to the utmost to provide a splendid time for the delegates and their guests. Nevertheless the recent convention in Denver and the first convention in Portland, Oregon, will outshine all others in the variety and elaborateness of the entertainment and in

the hospitality of the citizens of the respective commonwealths.

\* \* \*

The Association of Official Agricultural Chemists in convention at the same time and place with the Association of State and National Food and Dairy Departments, offered a rare chance to contrast the methods and relative interest in the two organizations. When the president of the first association appointed his jumping-jack committees, less than a dozen delegates were present, including the department stenographer, and when anything but the routine reading of papers and discussions were going on at the big conventions, the A. of O. A. C. was deserted, when the hall holding the other convention was always filled and sometimes standing room was at a premium.





WHO CARES?

The Denver Times, Aug. 25.



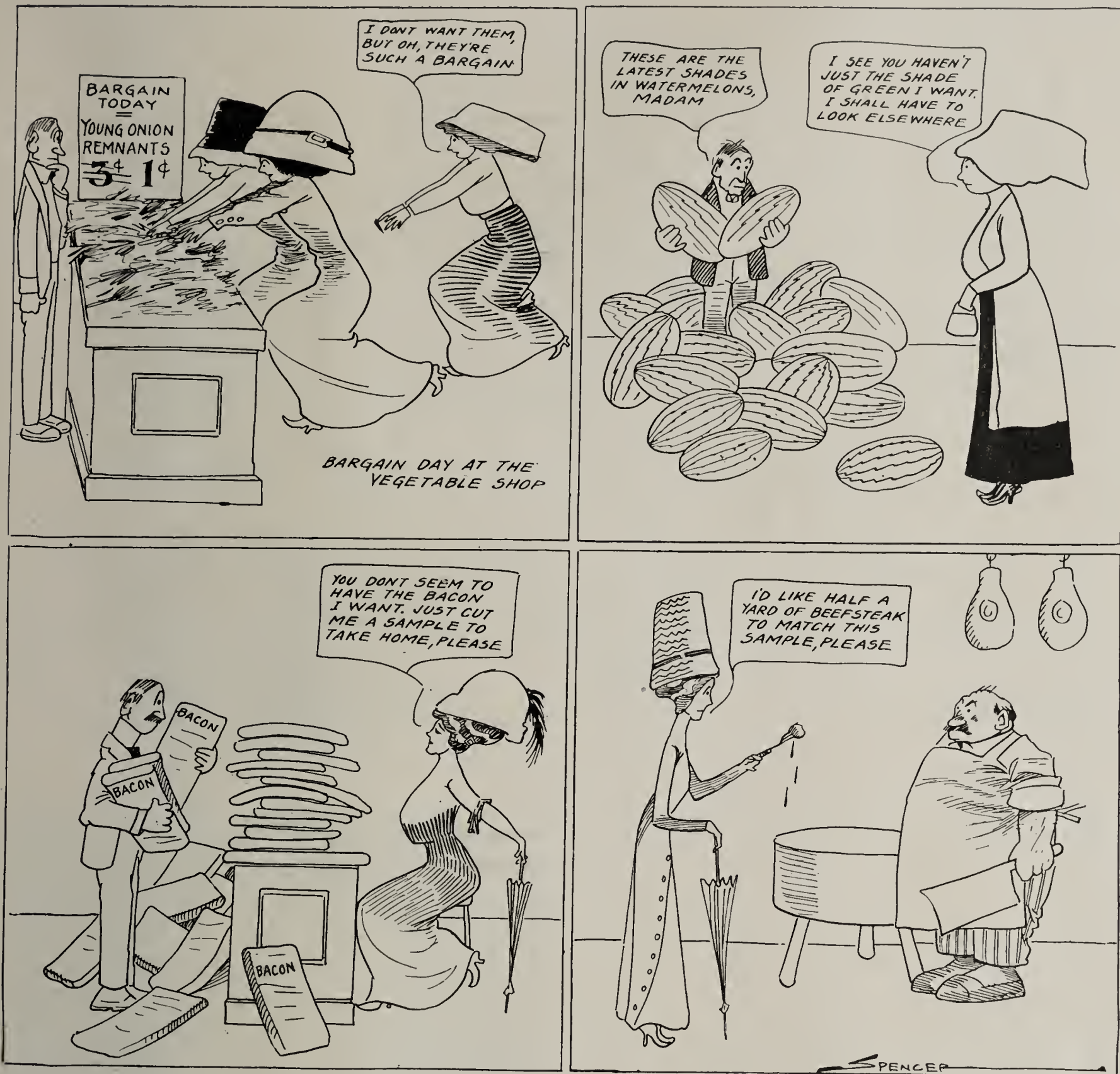
JULIUS T. WILLARD, KANSAS STATE CHEMIST.



HENRY G. KNIGHT, WYOMING STATE CHEMIST.



**DR. PURE FOOD WILEY INSISTS THAT FOR HEALTH'S SAKE HOUSE-  
WIVES SHOULD QUIT TELEPHONING AND DO THEIR  
OWN MARKETING.**



*The Denver Times, Aug. 26.*

No one is greatly interested in the harmony that exists between the fox and the chicken upon which he has fed.

\* \* \*

In the heat of the strife for the Presidency, that sterling patriarch of the dairy interests, the honorable Secretary of Agriculture, James Wilson, rose, and in seconding the nomination of Mr. Flanders, of New York, for the presidency of this association for the ensuing year, brought out in his characteristic manner that in the early days when dairy interests were the principal object of this association, that Mr. Flanders

was one of the foremost supporters in the advancement of dairying and the protection of those in that business. The honorable secretary further called the convention's attention to the fact that this convention had been almost entirely given over to food, and that he was sorry to hear so little regarding the good old cow; that we must not forget that this was a dairy association as well as a food association, and that he is just as keenly interested today in the dairy part of this work as he has always been in the past or he now is in the food part of it. These remarks received great applause and certainly will have a stimulating effect, for the ef-





The Denver Times, Aug. 26.

forts for more pure food legislation and the dairy work must go along hand in hand and not follow.

Never before in the history of this association has the honorable secretary graced the convention during its entire session, and he further evidences by his attendance here his great interest in the furtherance of pure and better food for the consuming public.

\* \* \*

President Emery was considerably confused in his endeavors to untangle the parliamentary wrangles which enlivened the convention. Indeed the situation would have been embarrassing to a man with much more experience in handling deliberative bodies than President Emery, and it is doubtful whether anyone but a Joe Cannon or James Wilson could have mastered the situation. By the way, at one time, after his experience as Speaker of the Iowa House, and in the National House of Representatives, Secretary Wilson was generally conceded next to James G. Blaine to be the best parliamentarian in the country. Doubtless he may be a little rusty in Robert's Rules of Order to-day, not having occasion to make much use of them during the last fifteen years.

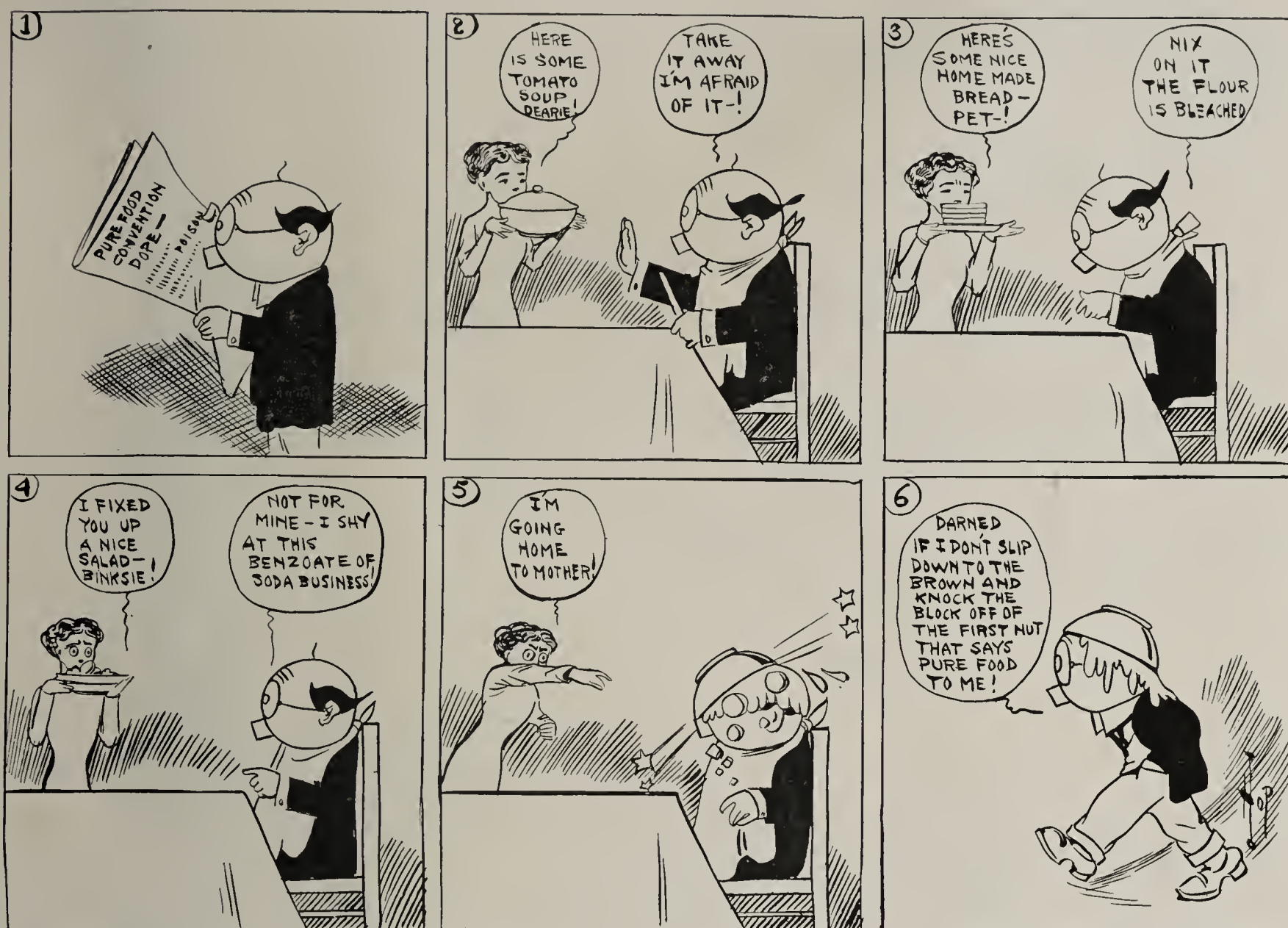
Dr. Barnard might by wiring in time secure a proxy from the Philippine Islands if Indiana is too little to adequately support the intensity of his convictions.



B. H. RAWL,  
Chief of Dairy Division, U. S. Department of Agriculture.  
(Who came to hear something about the cow.)



## THE PURE FOOD BUG BOTHERS BINKS



*The Denver Post, Aug. 26.*

The serious sickness of Mrs. Harms while attending the convention completely prevented Herman Harms, State Chemist of Utah, from participating in the business or pleasure of the meeting. Mrs. Harms was improving rapidly when the convention adjourned, and we trust she is again enjoying good health.

The Feed Bag Brigade of the Bureau of Chemistry were conspicuous by their absence.

In government, organizations, associations, and conventions policies are what count and not jobs, as some would like to have you believe.

The most salient feature of the dairy and food work in Maine seems to be that no effort has as yet been made to enforce the law, and this fact was probably in Director Wood's mind when he, of all the representatives of the different states present, declined to speak on the subject assigned all the commissioners. Direct-

or Woods confined his energies strictly to the politics of the convention.

Paul Pierce's organization, the American Association for the Promotion of Purity in Food Products, was delivered a solar plexus blow at the Denver convention.

## AIRSHIP RACE AT STATE FAIR.

## Alton Road Urges State Board to Provide Special Attraction.

Members of the State Board of Agriculture visited the general offices of the Chicago & Alton Railroad in Chicago, August 27th, and were urged by Mr. Geo. J. Charlton, General Passenger Agent, to provide some great special attraction so that all who took advantage of "The Only Way" low rates to the Fair would more than get their money's worth. The next morning the following appeared in the *Chicago Tribune*:

"Representatives of the Wright Brothers, Glenn Curtiss, and Charles A. Coey of Chicago will compete in an airship race during the day, and a night

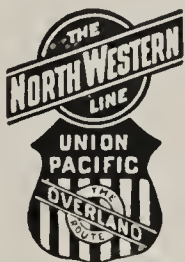


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## The Overland Limited

Leaves Chicago 7:00 p. m. daily. Arrives Denver 9:30 p. m. next day; San Francisco 7:28 p. m. the third day.

## Los Angeles Limited

Leaves Chicago daily 10:00 p. m. Arrives Los Angeles 8:00 p. m. the third day.

## Chicago-Portland Special

Leaves Chicago daily 10:00 p. m. Arrives Portland 8:00 p. m. the third day.

## China & Japan Fast Mail

Leaves Chicago daily 10:45 p. m. Arrives Denver 7:35 a. m. second day; San Francisco 2:48 p. m. fourth day.

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horse show will be features of 'Chicago day,' Thursday, October 7th, at the Illinois State Fair, Springfield, Ill."

A tentative promise has been received from the Wright brothers to be at the Fair. Senator William Lorimer and others are using efforts to make the airship race a fact.

Good  
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Try a case. Call up Canal 9—will send one to your house. Don't pay for it unless you like it.

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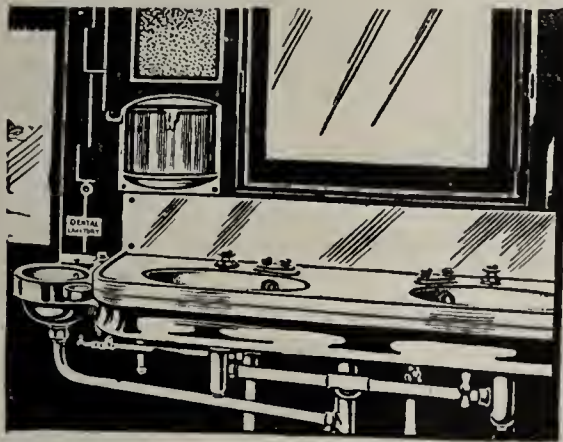
### Dr. Price's Wheat Flake Celery Food

Deserves to be appreciated, as it is the only breakfast food made from the whole grain of the wheat with celery, nothing left out but the outer husk. So prepared that it contains the proteids, phosphates and nitrogenous elements of the wheat. Young, growing people need plenty of growing material—from Dr. Price's Wheat Flake Celery Food they will obtain it. It is cleanly, pure, pleasing to the taste and economical. 414

### DENTAL LAVATORIES.

The "Alton's" Latest.

Did you ever notice the ugly habit in sleeping cars of people cleaning their teeth in the regular lavatories? The new equipment of the Chicago & Alton Railroad presents an inviting change in that respect. New Pullmans have a neat little dental



lavatory for this purpose exclusively; and more that the water, instead of chilling sensitive teeth, has the chill removed. A rinsing apparatus for automatically cleansing the bowl is also a feature, and separate water glasses are provided. A traveler recently said: "If for no other reason, I'd travel over the Alton just for this new idea." It's a big advance, but not the first made by the popular C. & A., which is the pioneer Pullman sleeping car line, the pioneer dining car line and the pioneer reclining chair car line.

*News Item, not an Advertisement*—For the information of the editor. If cut to illustrate is desired, please address

GEO. J. CHARLTON,  
General Passenger Agent, C. & A. R. R., Chicago, Ill.

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## Report of Proceedings of the Thirteenth Annual Convention of the Association of State and National Food and Dairy Departments. at Brown Palace Hotel, Denver, Colorado, August 24-27 inclusive.

### THE CHEMISTRY OF BLEACHING FLOUR.

BY DR. H. W. WILEY.

I am offering this preliminary paper in view of the fact that I consented to prepare a paper on the subject and at the time supposed I would be able to make some special investigations which are quite necessary to a proper understanding of the question.

I have not, owing to a stress of other duties, been able to start, much less to finish, the necessary investigations. The best I can do now is to report what has already been accomplished and show, if possible, the problems which still remain unsolved. It is not the purpose of this paper to discuss the question of the bleaching of flour in respect of its possible influence or effect upon the system nor of concealing inferiority and promoting fraud. It is well, however, to have a clear idea of what the process is.

That certain colors fade on exposure to air or sunlight has been known since tinctural science and observation were known among men. Other colors deepen with age or are produced by aging, thus time becomes a painter and the chronos and chromos are nearly related.

Age, that is exposure to air or sunlight, or both, produces a whitening in flour for a certain time, at least a change of tint which is incident to aging. By chemical means this change of tint may be immediately produced and, so far as appearance is concerned, a perfectly new flour may appear like an old one. In the process of grinding nearly all the fermented products of the wheat berry are removed. In modern milling, with its perfected machinery practically all of the brand and nearly all of the germ are separated, leaving the intermediate starchy portions to make the flour.

In the highest grades where the separation is done mechanically, additional whiteness is produced by a more complete separation of the starchy particles adjacent to the colored particles of the wheat berry both internally and externally.

The term "patent" as applied to flour, of course, originated by reason of the patent machinery or coloring machinery in the mills. As this is capable of making a more complete separation of the various ingredients of the berry the term "patent" naturally became associated with the whiteness and the more valuable, so far as the price is concerned, product of milling. Gradually, therefore, the term "patent" lost its significance as being made on the patent apparatus and became attached to a particular kind of flour, i. e., the highest grade of flour made in such mills.

The chemical reagents used in processes have been many; ozone, sulphurous acid, nitrosyl chloride, and oxides or peroxides of nitrogen produced either by the decomposition of nitrogen or the electrification with a flaming arc of the air itself.

This action of electricity on the air is the same as that employed in making nitric acid for commercial purposes, at least in its first steps. It is claimed in the manufacture of nitric acid that in the magnetic field of the furnace it should be understood there is formed only a single compound, i. e., oxid of nitrogen NO. Its proportion reaches about 5 per cent of the total volume of gas. At a very high temperature of from 2000° to 2500° the elements of this oxid are separated and recombined incessantly in such a way that the total percentage of the oxid of nitrogen remains constant in the mixture. These oxids of nitrogen are converted in oxidation towers. These large reservoirs communicate with the electric furnaces by large tubes and are two in number. They are cylindrical in shape and in the interior are covered by a material which is not attacked by acids. In these towers the further oxidation of the oxid of nitrogen produced in the furnace takes place. In a short time in these towers the oxid of nitrogen (NO) is converted into NO<sub>2</sub>. Leaving the reservoirs, the nitrous gas produced is forced through a ventilator into absorption towers, where it is transformed into nitric acid. The transformation which takes place in these last towers, converts the nitrous oxid into nitric acid by means of water according to the formula,  $2\text{NO}_2 + \text{H}_2\text{O} = \text{HNO}_3 +$



$\text{HNO}_2$ . At the same time that the nitric and nitrous acids are formed there are produced lower oxids of nitrogen by the decomposition of nitrous acid according to the following equation:  $2\text{HNO}_2 = \text{NO}_2 + \text{NO} + \text{H}_2\text{O}$ . These are reoxidized by the continuous fundamental reaction.

In the flaming arc which is used for the production of electrified air for bleaching processes, it is very probable that similar reactions go on, although in a much more restricted manner and that there are formed there and decomposed and reformed constantly, various oxids of nitrogen in which the nitric acid radicle and nitrous acid radicle, at least in some form, are present. As is well known, however, these states of oxidation of nitrogen compounds are very transitory.

Roscoe and Schorlemmer state in their new edition of 1905, Vol. 1, p. 557 of their Treatise on Chemistry, that "The constitution of nitrous acid is not definitely known; some of the reactions undergone by both the acid and its salts point to the formula  $\text{HO.NO}$ , and others to the formula  $\text{H.NO}_2$ ."

That nitric acid itself may be formed by the electrical

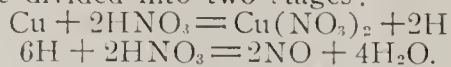


DR. H. W. WILEY.

discharge is well recognized. When sparks from an induction coil are discharged in the interior of a glass globe containing dry air, red fumes of nitrogen peroxid are rapidly formed and the fumes may be recognized by the usual test of iodine starch paper. Such an oxidized air when in water produces a mixture of nitrous acid and nitric acid. These fumes of nitrogen peroxid are often detectable around bleaching apparatus.

Without going further into the matter, therefore, here it may be recognized that both nitrous and nitric acid are produced by the apparatus used for bleaching processes.

Bleaching by the Reduction of Nitric Acid. The chemistry of the action of nitric acid on metals may be illustrated by the following formula, in which the production of nitric acid is shown to be divided into two stages:



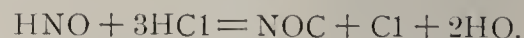
From the above it is seen that one result of the reduction of nitric acid is precisely that obtained by the electrification of the air, i. e., the production of  $\text{NO}$ .

There is another bleaching agent which is coming into use, i. e., nitrosyl chloride,  $\text{NOCl}$ . This compound is formed by

the action of chlorin upon nitric oxid and also by the action of phosphorus pentachloride upon potassium nitrite, according to the following:



Nitrosyl chloride is also produced, together with free chlorine, when a mixture of hydrochloric acid and nitric acids, the so-called *aqua regia*, is slowly heated, according to this formula:



Nitrosyl chloride is a gaseous body of a yellowish tint, but very different from the green yellow of chlorin. It is usually liquefied and combines with many metallic chlorides and also decomposes with other formations, of which nitrite is one, in certain conditions.

The illustration of the formation of a nitrite is shown by the following formula:



There are many reactions for nitrosyl chloride and it may be that the bleaching properties are not due to the gas itself but to its decomposition through one of the usual forms of oxids of nitrogen which produce the whitening effect upon flour.

The production and properties of ozone and sulphurous acid are so well known that they need not be repeated here.

What is the color which is discharged? In the discussion of this problem, I could do no more than state impressions and theories unsupported, however, by actual demonstration.

One effect of oxids of nitrogen upon the oil of corn is to decolorize it and also to change its chemical qualities, reducing notably its haloid absorbing power. The probabilities are that the yellow or creamy tint is due to some extent to the (oil butter) which it contains, since even with the best processes of milling it is not possible to separate all of the oil. The accepted theory, at least one of them, is, therefore, that the whitening is due to the action of the bleaching agent upon the oil particles themselves.

The yellow coloring matter of the Germ is without doubt some form of Zanthrophyl, an oxidation product of chlorophyl. It is well known that in the winter when the cow does not get chlorophyl in her food, the coloring matter in butter rapidly—and sometimes entirely—disappears. As soon, however, in the spring of the year as she begins to eat chlorophyl, again the coloring matter reappears and at that time of the season when the grass is most luxurious and tender and green, the butter color is at its highest.

It may be assumed, therefore, as more than probable that the coloring matter of the flour is to be eliminated by the bleaching agent in Xanthrophyl, or nearly related thereto. Just what the chemical process is whereby this coloring matter is discharged, I am sure I do not know, nor have I ever seen any attempt to explain it. It is one of those very delicate chemical reactions which are constantly going on in Nature and which are so conducted as to baffle the attempt of man to follow the process or even to imitate in his laboratory.

The atmosphere itself, probably due to the presence of ozone, produces in a few months practically the same effect so far as color is concerned as is produced by the bleaching process, but in addition to the bleaching of the flour, other changes go on which, in the minds of a great many of the consumers, improve its quality. Therefore there is a general impression, and this is probably founded upon fact, that old flour, or at least certain flour grown from old wheat, is superior to new flour or flour made from freshly grown wheat.

The method of detecting nitrites and nitrates in flour, no matter whether they be derived from decomposed nitric acid, through electrified air, or by the action of potassium oxid or hydrosyl chloride are many and there are many conflicting views regarding their value. Our own experience has been that the following methods of detecting the processes are the most reliable:

(Copy)

BUREAU OF CHEMISTRY.

Washington, D. C.

ALS

August 14, 1909.

MEMORANDUM FOR DR. WILEY.

The method for the determination of nitrogen as nitrite in flours is the modification of the Griess Ilosvay Method. The method as used in the Chicago Laboratory is attached herewith.

Mr. Winton read a paper at the last meeting of the A. O. A. C. regarding simple qualitative tests for bleached flour. This paper is found on page 216 of Bulletin 122 of this Bureau, Proceedings of the A. O. A. C. The paper describes two tests which may be used by a person without technical knowledge.



## I. GRIESS-ILOSVAJ METHOD.

Place a heaping teaspoonful (10 grams) of the flour to be examined in a wide-mouthed, glass-stoppered 4-ounce bottle. Nearly fill with distilled water, or tap water free from an appreciable amount of nitrites, and add a teaspoonful (4 cc) of the test solution prepared as directed below, measured with a glass spoon. Cork the bottle and shake vigorously for a few minutes, then allow to settle for from fifteen to twenty minutes.

Under the above conditions bleached flour will impart to the liquid a color ranging from a light pink to a deep red, depending on the degree of bleaching. With unbleached flour the liquid is not colored a red tint, provided water free from nitrites is used. Always run, for comparison, a parallel test with a sample of unbleached flour, so that allowance can be made for any nitrites in the water.

Test solution.—1. Dissolve 0.5 gram of sulphanilic acid in 150 cc of dilute acetic acid (about 20 per cent). Keep well stoppered.

2. Dissolve 0.2 gram of alpha-naphthylamin hydrochlorid in 20 cc of strong acetic acid (glacia) and add 130 cc of dilute acetic acid (20 per cent). Keep well stoppered.

Mix 1 and 2 for use. The mixed reagent keeps for several weeks, and possibly much longer.

## II. GASOLINE METHOD.

Place two heaping teaspoonfuls (20 grams) of the flour in a wide-mouthed glass-stoppered 4-ounce bottle, add sufficient gasoline to nearly fill the bottle, shake, and allow to settle. If the flour is unbleached, the gasoline will become distinctly yellow; if bleached, it will remain nearly colorless. Conduct a parallel test on unbleached flour for comparison.

Of late Mr. Winton has been determining the color value of the gasoline extract of flours in terms of the yellow Lovibond scale. We are not informed as to the exact amount of flour used in making this test quantitative. The color is easily compared by placing the filtered gasoline extract of the flour in a Lovibond cell and by means of the tintometer comparing the depth of the color of this gasoline extract with that product by a series of standard yellow slides which vary in intensity from zero to twenty. The depth of color is matched until the liquid in the cell seems of the same depth as a standard slide. The color of the gasoline extract is then recorded in degrees corresponding to the slide which matched the color. This test is very simple as the Lovibond cell used is a simple rectangular cell, two opposite sides of which are of glass and one side open. The cells are of different depths, 1/16, 1/8, 1/4, 1/2 and 1 inch. If a 1 inch cell was used this means that the liquid was viewed through a depth of 1 inch. The standard slides are readily obtained and this Lovibond instrument is well known to the trade.

The Chicago Laboratory reports that thus far 0.8 yellow is the minimum they have found for unbleached flour excepting a few samples which they considered bleached. The average color of the gasoline extract of bleached flours, when viewed in a 1 inch Lovibond cell, was well under 1° yellow, ranging from 0.1 y. to 1.0 y., averaging about 0.6 y. while the color of the extract of unbleached flours averaged about 1.2.

In testing for nitrites, 0.15 part of nitrogen as nitrite per million is considered negligible. The average amount found in 125 bleached flours was about 0.67 parts per million.

C.D.P.

A. L. SULLIVAN.

Attached: "Nitrogen as Nitrite (Griess-Ilosvaj Method.)"

(Copy.)

## METHOD USED AT CHICAGO LABORATORY.

Nitrogen as Nitrite (Griess-Ilosvaj Method).\*

## SOLUTIONS.

(a) Sulphuric acid solution.—Dissolve 0.5 gram of sulphuric acid in 150 cc of 20 per cent acetic acid.

(b) Alpha Naphthylamin Chlorid Solution.—Dissolve 1 gram of alpha naphthylamin chlorid in 20 cc of strong acetic acid with the aid of heat. If any insoluble matter remains, decant off the clear solution and make up to 150 cc with 20 per cent acetic acid.

(c) Standard Sodium Nitrite Solution.—Prepare pure silver nitrite by mixing a warm concentrated solution of 8 parts of sodium nitrite with a warm concentrated solution of 16 parts of silver nitrate. When cool, wash the precipitate with cold water and dry quickly in a water bath with as little exposure to the light as possible.

Dissolve 0.1097 gram of the dry silver nitrite in warm water, add a slight excess of pure sodium chlorid and make up to 1,000 cc. After the silver chlorid has settled, draw off 10 cc of the clear solution and dilute to 1 liter. One cubic

centimeter of this solution contains 0.0001 mg. of the nitrogen as nitrite.

\*Sutton, Columetric Analysis, 9th ed., p. 449.

## DETERMINATION.

Weigh out 25 grams of the flour or of the crumbled bread into an Erlenmeyer flask, add 250 cc of water free from nitrites, shake vigorously for five minutes, let stand for one-half to one hour and filter on a paper free from nitrites. Make 50 cc of the filtrate up to 100 cc with water and add 2 cc can of sulphanilic acid solution and naphthylamin chlorid solution, shake and heat at about 80° C. for 10 minutes to bring out the color.

For comparison, dilute 50 cc of the standard sodium nitrite solution to 100 cc and treat with sulphanilic acid and naphthylamin chlorid solutions, as above described. Compare the solutions to be tested with this solution in a colorimeter and calculate the parts of nitrogen as nitrite per kilo of flour or bread. In flours containing above 3 mgs. per kilo make 10 cc (instead of 50 cc) up to 100 cc, thus avoiding the intense red color obtained in a more concentrated solution.

## ACIDITY.

Titrate 100 cc of the solution prepared for the determination of nitrites, as above described, with tenth-normal sodium hydroxid solution, using phenolphthalein as indicator. If the distilled water used contains an appreciable amount of carbon dioxide, it should be boiled previous to agitation with the flour.

## EIGHT MUTUAL RELATIONS SUSTAINED BY WHOLESALE GROCERS AND FOOD DEPARTMENTS.

BY WILLIAM JUDSON,

President Wholesale Grocers' Association.

Address delivered by William Judson at annual convention Association of State and National Food and Dairy Departments at Denver.

I am glad to be one of this goodly assemblage and I assure you that it is a great privilege to meet my fellow workers in commercial and industrial life in such a representative gathering.

I am deeply sensible of the honor you confer upon me by giving my name a place on your programme when you have so many important association matters to occupy your time and thought.

I am so impressed with the enchanting beauty of this city and the grandeur and majesty of the encircling mountains that I find it difficult to think and talk "shop."

The invigorating air and inspiring environment of this thriving city of the Rockies should stimulate our best thought, subdue all asperities and bring the best possible results from our deliberations.

I take it that you will naturally expect me to say something in regard to the relations of the wholesale grocers to pure food products and the laws relating thereto.

Before doing so I want to say a few words in regard to the necessity for efficient organization in order to achieve results on broad lines which amount to anything or which are effective in their application to practical affairs in getting substantial and enduring results.

Economic conditions have so changed that the day of desultory individual effort in matters of wide interest has gone forever in so far as effective work is concerned.

Organization—team work—is the instrumentality which must now be employed if things are to be done effectively.

That inspiration which comes from an interchange of ideas and from a generous rivalry among the members of an association of like occupation and similar aspirations will bring out the best that is in each.

Isolation and secret meditation may be all right in some form of literary pursuit, but they are fatal to both progress and excellence in commercial and manufacturing enterprises. A scythe is sharpened by rough friction with the whetstone. So, too, our wits are sharpened and our originality put on edge by friction with the abrading minds of our fellow workers of like calling, who by experience know how to apply the mental whetstone.

I do not mean to convey the idea that association work is easy. On the contrary, it is beset with many difficulties and the leaders in association work have many discouragements to contend with and sometimes unjust burdens to bear. This arises partly from the divergent views which are entertained by individual members, but even more from the immature thought that has been given the matter by some.

There are always those who have given only the most superficial thought to important matters that come up for consideration, while others have investigated thoroughly and



thought the matter out to a conclusion, based on the best obtainable data. It takes patience and perseverance on the part of these to win over to their views the superficial thinkers and the impulsive members of the association. Then, too, there are the impetuous members who always want to do radical things; but they are often useful members, too, by stimulating enthusiasm and thereby securing more energetic action that might otherwise be taken.

In view of the fact that organization is the only instrumentality by which we may hope to successfully cope with conditions that now exist, it is incumbent upon every one of us to contribute our best thought to the work in hand and in a spirit of "give and take" work harmoniously to the best interests of all.

It is also the part of wisdom to find out who among our number are best fitted by nature for leadership and saddle upon them the burden of blazing the way, while the remainder of us loyally support them and follow their leadership.

I realize that I am addressing a body of men who sustain a most vitally important relation to the public. To a larger extent than any other assemblage of men to whom it has been my privilege to talk you hold in your hands the comfort, health and well-being of our people. Your responsibilities are, therefore, difficult to exaggerate. To my way of thinking success in your calling can not be measured in volume of trade or in dollars and cents, but the ethical and humanitarian considerations should and must figure largely in the balance sheet of your successes and failures.

To provide the people of this nation who thrice daily assemble around the family board with wholesome, nourishing and pure food products is at once an opportunity inspiring and an obligation appealing.

It is an obligation that none but the most frivolous could lightly regard, and a privilege that none but the most depraved would abuse.

You know there is a popular saying, used half seriously and half in jest, about "Bread like mother used to make," but if we would only stop to think there is a world of truth and sacred meaning in this carelessly used phrase. Our dear, good mothers, whose memories we worship, not only put flour and yeast and other materials into the bread, but their hearts and souls as well. This overflowing love for their children was, by some mysterious power unknown to us, transmitted into the food prepared by their loving hands. They gave us such wholesome, nourishing food that there is no wonder we long for "Bread like mother used to make."

I am not going to try to fathom the metaphysics of this proposition, but I inject this bit of sentiment into my remarks to show how important is devotion of mind and heart on the part of those who would achieve worthily and successfully in providing food products for our people.

I might as well frankly state that there is a large, intelligent and rapidly growing class of people who believe that the quality of mind and heart of the producer has much to do with the quality of the product. It is even claimed that certain popular commodities have been built up and established on this theory. I refer to the ethical side of food production because of its growing importance as a factor in trade success.

In this connection I want to pay a deserved tribute to the manufacturers of food products. In no department of industry have greater knowledge and intelligence been brought to bear than in this. Ingenuity in devising attractive and convenient packages has been exceeded only by the excellence of the product turned out. It is highly gratifying that the good heart and good conscience to which I have alluded have been zealously exercised in trying to give the public full value for their money in the best product that can be made from the best materials. I congratulate you on your achievements, the success of which will be both an incentive and a guaranty for greater successes and greater excellence in the future.

Now in regard to matters of legislation: I can best express my views by quoting a set of resolutions adopted at the meeting of the Executive Committee of the Wholesale Grocers' Association, held in New York City on July 15 and 16, which read as follows:

*Resolved*, That the National Wholesale Grocers' Association favors the adoption by State Legislatures of the National Pure Food Law, which during a three years' trial has met all the requirements of a food law protecting the public against adulteration and misbranding, and which has already been substantially adopted in twenty-four States.

*Resolved*, By the National Wholesale Grocers' Association that uniformity in food legislation throughout the various States is essential to the orderly conduct of trade between the States.

*Resolved*, That the National Wholesale Grocers' Association is opposed to the adoption into statute law of detailed standards for the countless food products used by the American public.

*Resolved*, That the National Wholesale Grocers' Association favors the National standards for food products adopted by the United States Department of Agriculture for the guidance of courts, and believes that these standards, if any, should be followed by the various State Food Commissioners.

*Resolved*, That where State Legislatures deem it necessary that some provision should be made for standards this Association favors the Legislature giving full power to the commissioner to establish such standards, believing that this will conduce to a greater uniformity between State and National standards than if the same should be written into the statute laws unchangeable except by another act of the Legislature.

*Resolved*, That the National Wholesale Grocers' Association is opposed to the enactment of any State or National statute requiring the date of preparation or packing to be upon the labels or containers of food products.

*Resolved*, By the National Wholesale Grocers' Association, that the weight and measure clause of the National Food and Drugs Act, June 30, 1906, is just and sufficient in the interests of the public and of the food trade, and that this Association is opposed to the enactment of any State or National statute requiring that the weight or measure be branded upon the labels of all food products.

As a further presentation of the attitude of the wholesale grocers toward pure food legislation I can do no better than to quote from Harper's Weekly of March 13. This article, written by Barton W. Currie and discussing the conflicting State laws relating to pure food legislation, refers to the work of the National Wholesale Grocers' Association in part in the following language:

"The National Wholesale Grocers' Association is working quietly and industriously to smooth out all this legislation and so far as such a thing can be accomplished by suggestion and counsel; and so all of the separate laws will be commercially practicable. There has been nothing flashy nor in the manner of grandstand endeavor in the carrying forward of this work.

"The wholesale grocers, through their National organization and their State bodies, have, as a matter of fact, worked in hearty sympathy and almost perfect accord with the Department of Agriculture since the passage of the pure food law. The National Wholesale Grocers' Association has led in the task of revising over forty thousand labels, taking up each food label separately with its own experts and then with the experts of the Government, and today they are able to proclaim that every food article that is legitimately distributed is honestly branded.

"The truth of the matter is that the National Wholesale Grocers' Association championed the food law since it became a possibility as a law. The Association urged its passage and rendered to Doctor Wiley all the assistance in its power at the time he was fighting for a drastic statute to compel the honest manufacture and distribution of food products.

"The National Wholesale Grocers' Association is carrying the work ahead vigorously and expects within a few years to secure the passage of harmonious laws throughout the country."

I have repeated these paragraphs because they set forth from an able and impartial source very clearly the kind of work that the National Wholesale Grocers' Association is doing and pay the Association the kind of tribute it tries to deserve at the hands of the public.

In further explanation of the attitude of the wholesale grocers toward the work that this convention has in hand I will quote from the second article of the constitution of the Wholesale Grocers' Association, which reads as follows:

"To assist in the enactment and enforcement of pure food laws, which in their operation shall deal justly and equitably with the rights of the consumer, retailer, jobber and manufacturer."

Now, as this subject has been fully discussed by able and thoroughly informed speakers I will not trespass upon your time with a further presentation of this matter, as the resolutions and quotations I have recited fully set forth the views of the members of the National Wholesale Grocers' Association.

In this connection it may not be out of place to remark that inasmuch as the work of State Food Commissioners requires highly specialized knowledge, inflexible decision of purpose and unimpeachable integrity, such appointments by State executives should always be on the basis of fitness irrespective of all political considerations. The work of the food commissioner sustains a most intimate relation to the



health and well-being of all the people of all political affiliations and is, therefore, a trust too sacred to be in any measure hampered or influenced by considerations of political expediency.

In this connection I also want to say that considerations of fair play clearly require that State food laws be impartially enforced, irrespective of the place of residence of the manufacturer or jobber who operates under them. By this I mean to say that a dealer who happens to do business in a State in which his establishment is not located should not be penalized under the laws of that State on account of an act under which a dealer with a "political pull," residing within the State, goes scot-free. An offense against a law is as much an offense on the part of a dealer residing within the State as it is against one residing outside of the State. The complaints that have arisen from time to time on this score emphasize the importance of having uniform pure food laws in all the States, together with the impartial enforcement of same, irrespective of the place of residence of the offender.

Inasmuch as the work of a great number of those whom I am addressing is in many respects similar to that of the wholesale grocers, it may be of interest to you to know something of what the national Wholesale Grocers' Association has learned by experience and how in some particulars we conduct the affairs of our Association.

In familiarizing you with our views and methods I cannot do better than to repeat to you some things I said in my annual address to the members of our Association at Detroit in June.

In discussing our relations with manufacturers, transportation companies and producers I stated:

"Trade is a matter of fact and not of sentiment. Conditions of supply and demand, war and peace, flood and drought and hundreds of other things are influencing factors over which no set of manufacturers nor distributors have control, but all of which must be considered in arriving at equitable conclusions. These considerations all show how out of place are ignorance and prejudice and how all-important are information and fair-mindedness.

"We naturally push most cheerfully and energetically the sale of the product of those concerns which show the most favorable attitude towards us this is correct merchandising.

"We naturally and properly feel more kindly towards those manufacturers who distribute their product through the jobber than we do towards those who sell to both jobber and retailer. We contend that the attitude of the latter is uncommercial, illogical and unfair to both jobber and the rank and file of the retail trade. Why should we feel favorably disposed towards those manufacturers who sell direct to the large retailers and then expect us to carry their product in stock to supply those retailers with whose accounts, for any reason whatsoever, such manufacturers do not want to be encumbered.

"We also rightly and enthusiastically favor most those manufacturers who try hardest to enable us to make profits on their goods. In this connection it is both gratifying and encouraging to call attention to the fact that of late there are conspicuous examples of manufacturers making extraordinary efforts to aid jobbers in making better profits on staple commodities that too often are sold by wholesalers at a little or no profit.

"We should give and are giving emphatic endorsement to the efforts of these manufacturers by increased volume of sales when possible on their product, not only because of the more satisfactory profits available but also to encourage other manufacturers to do the same thing and to secure a continuance of such welcome service at the hands of those manufacturers who are extending it."

Now, in confirming my remark at the outset that effective organization is essential to success in any great industry, I want to congratulate you on the splendid organization here represented. There are many collateral matters of fundamental importance, not, perhaps, directly concerned with your calling, and yet which have a far-reaching influence upon the general welfare of the country to which attention should be given, and which, through your organization, you can do great service in helping to dispose of in a way that will not only be in your own interest but in the interest of the country at large.

Among these I may state that a matter which I am sure merits our individual and collective influence is well directed agitation with the object of securing some modifications of the Sherman anti-trust law which will, at least, make its meaning intelligible to somebody; some modifications that will enable us to continue in business and know definitely

that we are law-respecting and law-observing citizens. This law, as now generally construed, is the guardian angel of unrestricted competition in its acutest form. Unrestricted competition in its acutest form means among nations war and among individuals bankruptcy.

If I read the signs of the times rightly co-operation is taking the place of cut-throat competition as a business slogan. The time has come for cut-throat competition to be relegated to the museum of commercial monstrosities to keep company with "prison for debt" and "chattel slavery."

The Nation needs many things that it can get only when we obtain a common sense modification of this law. We had a test in 1906 and 1907 of the discomforts of inadequate transportation facilities. Our citizens in some sections froze because of the inability of the railroads to haul fuel to them. Business paralysis was brought about in large sections of the country because of the lack of facilities on the part of the railroads to haul out the agricultural products and to haul in commodities to make merchandising possible. We have been warned by the brightest transportation men of the Nation and our principal trunk lines must be double-tracked, and by one eminent railroad man that five billions of dollars must be spent on our railroads within five years to make them equal to the burdens that will be imposed upon them. About two years have passed since these warnings were sounded, but little or none of this imperatively necessary work has been done or even commenced. People have been afraid to put their money into railroad enterprises because of this hydra-headed law and the dismay it has spread among investors.

Prosperity is now returning; business is increasing and before long the marts of trade will throb with industry. But if our transportation facilities were inadequate in 1906 and 1907, what may we expect under the avalanche of trade activity that is even now heralded by the signs of the times?

These are cold-blooded facts which are staring us in the face right now and no set of men are more interested in the solution of the problems involved in this state of affairs than we are. These are some of the reasons why I think that attention should be given towards securing a modification of the law that seems to frown so ominously on the means of our future comfort and prosperity. I tell you that population and trade necessarily are not governed by considerations of political expediency.

In conclusion, I want to say that it is a great privilege to have the opportunity of getting the benefit of your experience, the aid of your counsel and the benefit of your enthusiasm, and I want to thank you most sincerely, both on my own account and on behalf of the National Wholesale Grocers' Association, which I have the honor to represent, for the cordial reception you have given me and the flattering attention you have paid to my remarks.

#### PREVENTING THE ABUSE OF COCAINE.

BY WM. JAY SCHIEFFELIN, PH. D., NEW YORK, N. Y.

Before the National Food and Drugs Act of June 20, 1906, became a law, persons buying patent or proprietary medicines ran the risk of contracting a drug habit innocently and ignorantly, because many of the secret nostrums contained large proportions of alcohol, while some of them contained morphine or cocaine.

The most profitable were those which created an appetite and thus became "repeaters."

The requirements of the federal law that the labels on such medicines must state the proportion of alcohol or habit-forming drugs they contain has gone far toward preventing people from ignorantly becoming victims of a drug habit. As a result, the sales of some of the most notorious of the nostrums have greatly declined and in some cases have entirely ceased.

A more difficult problem is that of restricting the sale of these drugs, especially of cocaine, to their medicinal uses and making it unlawful to sell them to the public.

Cocaine is an alkaloid made from cocoa leaves which grow in Bolivia and Peru. One hundred pounds of the leaves yield about ten ounces of cocaine. The estimated annual consumption of cocaine in the United States is one hundred and fifty thousand ounces.

Cocaine is used in minor surgery as a local anaesthetic; it is so valuable in the treatment of the eye, the ear and throat and in dentistry that to prohibit its use would cause great hardship and suffering. On the other hand, it is beyond question that at least half of the cocaine consumed in this country is used by habitues as an indulgence.

Most of these unfortunate people live in the "red light"



districts; many of them are women and the habit is especially prevalent among negroes. Occasionally an actor of distinction or a physician falls a victim. Several cases have been reported where groups of school children have been taught to use the drug.

The usual mode of taking it is snuffing it up the nose in powder form or in solution. The effect is to clear the head, produce an exalted feeling of well-being and, it is said, banish feelings of shame, but it is not a sexual stimulant like alcohol. The reaction is distressing and the desire to again resort to the snuffing is intense. Those long indulging in the snuffing habit acquire a constant running from the nose; a chronic catarrh; their nervous system becomes affected and in many cases they become emaciated.

There is general agreement that all practicable means should be adopted to prevent the sale of cocaine to those who use it as an indulgence.

The success of the effort to have a prohibitory duty imposed on cocaine makes it possible to strictly regulate the sale in the United States through suitable legislation.

By means of an internal revenue tax the federal government can keep informed as to the quantity manufactured; the distribution can be traced by allowing its sale only to licensed dealers, who must record all purchases and sales, with date, name and address of purchaser and the quantity sold. It should be required that the orders for cocaine be separate and be kept on file. (Recently a large wholesale house found that cocaine was going out through collusion of its employes, who added a line ordering a quantity of cocaine at the bottom of bona fide orders and then removed the cocaine from the box and tore off the bottom line from the order. Separate orders which must be kept would prevent this.) All orders and records should be open to inspection by the authorities. The license for a manufacturer should require a substantial bond—say of five thousand dollars.

The enforcement of the regulation would cut the sale of cocaine in two and while the conditions should be strict and the licenses forfeited if they are not observed, the license fee should be small—ten dollars for a wholesale druggist and not over one or two dollars for a retailer, otherwise the latter might not think it worth while to handle the drug and thus in certain places cause inconvenience to surgeons and dentists. The federal control should be supplemented by state legislation, which should be uniform in all the states.

The Michigan law, a copy of which is appended to this paper, is an excellent example of state legislation—concise and clear. Violation, however, might well be made a felony as is done in New York.

The Commissioner of Police of New York city stated that "From 1 to 3 ounces a month, is about the sale of cocaine from a large drug store which is needed for legitimate medical purposes.

"A druggist in the lower part of this city purchased from a wholesaler from January 3 to January 7, 1909, 14 7/8 ounces. Another druggist in Brooklyn purchased from a wholesaler during twenty days 60 1/16 ounces. These purchases were in 1/16 of an ounce bottles. Another druggist on the upper East Side purchased during 23 days of January 64 ounces. This was the regular rate at which these druggists bought cocaine, and the comparison with the amount used by legitimate druggists as shown above is illuminating. The investigations that we have carried on have resulted so far in our placing 63 drug stores on the list as suspicious of the illicit sale of cocaine.

"Druggists, according to law, must not sell cocaine except on physician's certificates. We have come across a number of instances where doctors give prescriptions for cocaine, for apparently other than sound medical reasons, for 25 cents a prescription. Besides this, some doctors dispense cocaine themselves. One who is now under investigation purchased from one wholesaler from January 2 to April 7, inclusive, 592 ounces of cocaine. A general practitioner, I am told, with a fair practice, might use 1/50 of an ounce a month—and a nose and throat specialist might use 1 ounce a month. This cocaine 'specialist' mentioned above, on one day, February 26, purchased from one wholesaler 23 ounces of cocaine, an amount that would last 1,100 general practitioners an entire month.

"I do not need to point out the well-known facts as to the rapidity with which this habit is acquired and as to its disastrous effects. These effects are known to every one. I do wish to call your attention to the great illicit sale of cocaine that goes on and to point out that the police authorities throughout the country would be helped if laws could be enacted which would limit the sale and make it possible to trace every grain of cocaine from manufacturer to consumer."

The fact that unscrupulous men who have obtained licenses as physicians evade the law by prescribing for the victims of the habit raises the question whether it would not be better to forbid any prescribing of cocaine. Its use in internal medication is insignificant and it is almost always used in operations and of course applied by the surgeon. There are a few cases, such as painful eye troubles and cancer in the mouth (when a surgeon finds it necessary to give the patient a solution of cocaine to be used before taking food) when forbidding prescribing cocaine would work hardship. The difficulty is to make prescribing for habits unlawful, but permit the infrequent necessary prescribing. Possibly a clause might be inserted qualifying the prohibition of prescribing in cases where the surgeon can show to the satisfaction of the court that the emergency required such treatment. But, as a general thing, cocaine is only necessary in dental, nasal, ocular and minor surgical operations, and should be applied by the surgeon and not supplied by him.

### THE NEED OF STATE LAWS TO PROTECT THE CONSUMERS' MEAT SUPPLY.

Address Prepared by Miss Alice Lakey, Chairman Food Committee, National Consumers' League; Read by Mrs. Florence Kelley, General Secretary National Consumers' League.

Mrs. Kelley: Mr. Chairman and others: I wish to express, on behalf of the National Consumers' League, our appreciation of the opportunity to appear before this body, which seems to us at this moment to come home most closely to woman. We of course are the purchasers of food. We are commercially the consumer, and we are feeling very urgently at present the failure of many of our states, particularly the state of New York, to give to the purchasing public adequate protection of the consumer in the matter of life and death and health, with regard to the slaughtering of cattle within our own borders. I am by no means reflecting upon the executive officials; it is because they have inadequate laws with which to deal that we are asking for co-operation in getting better laws.

#### ADDRESS OF MISS LAKEY.

MR. PRESIDENT:—

Meat inspection may be said to have had its beginning in this country in 1890, when Congress passed a law providing that all pork and bacon intended for export should be inspected. This was not a law to protect the consumer, but one intended to promote the sale of American meats in Europe.

In 1891 the first law for the protection of consumers was enacted. It provided for the inspection of live cattle and hogs and all their products entering into inter-state commerce. Four years later it was amended for forbidding the shipment in inter-state commerce of all carcasses of cattle, sheep or swine or their parts if the same had been rejected by Federal inspectors. In 1895, Dr. Salmon, then Chief of the Bureau of Animal Industry, suggested that the sale for food of all such rejected cattle, sheep or swine should be forbidden in a State.

This law is not yet on the statute books, when the writer investigated slaughter house conditions in New Jersey, the chief state food inspector told her that cattle rejected at the Jersey City stock yards as unfit for slaughter had been bought by local butchers, killed and the meat sold in the State for food.

June 30th, 1906, marked the passage of the Meat Inspection Amendment. This is the most important legislation ever enacted by Congress to protect the meat supply. As we all know it was precipitated by the revelations of the shocking conditions, in many of the packing-houses, under which food for human beings was prepared. There is no need at this time to refer to investigations then made which proved that the sanitary conditions in many of the packing-houses were simply revolting. The new law was passed, carrying with it an annual appropriation of \$3,000,000, for its enforcement.

Strict regulations were prescribed for the ante and post-mortem inspections of animals and for the sanitary conditions under which all establishments doing an inter-state trade were to be allowed to carry on their business; no hogs or other animals may be fed on the premises from the refuse of the slaughter-houses; no workers who have tuberculosis may be employed. Everything connected with the establishments must be kept clean or the Federal inspectors will be removed from the packing-houses. As no establishment can carry on an inter-state trade unless the Federal inspectors are present, the first result of the law was seen in the increased demand for Federal inspection. While in 1891 this



inspection was maintained in only 9 establishments, in 1906 it had increased to 163, in 58 cities and towns. The growth of the service may be seen by the last report of the Bureau of Animal Industry. In 1908, 787 establishments in 211 cities and towns had Federal inspection.

There has been an equal increase in the number of animals inspected. In 1891 only 5,076,929 food animals were examined; in 1908 ante-mortem examination was made of 54,059,901.

And yet this inspection covers only a little more than half of the whole number of food animals annually slaughtered in this country, where the annual per capita consumption of meat is 179 pounds; including lard it amounts to 186 pounds. (Circular 125, B. A. I., p. 5).

What then happens to the remainder of the meat?

Only a very small part of it receives efficient State or municipal inspection, (which too often merely consists in examining the meat as it hangs in the markets) the rest is



MISS ALICE LAKEY.

sold without inspection. (B. A. I. Annual Report for 1908, p. 6).

Mr. McCabe, Solicitor of the Department of Agriculture, states that in one city of 500,000 inhabitants, where there are 275 slaughter-houses, having a yearly kill of nearly 2,000,000 animals, there are but three inspectors, not one of them a veterinarian; not one of these establishments has Federal inspection. The same is true of four other slaughter-houses in one of the largest cities of the country. In place of inspectors, however, they have a policeman stationed at each of the establishments to see that no photographs are taken to show to the public the true conditions under which the meat is prepared in these places. These houses kill about 1,000 cattle and 2,500 hogs per month. An inspector of the Board of Health is the only official connected with the plant.

Indiana and Massachusetts had investigations made of the conditions existing in local slaughter-houses in the State; the State Boards of Health made these investigations, as you know, and you are well acquainted with the reports made at the time. The conditions in most of the places were horrible.

We have but to recall the reports made at the time the

Chicago packing-houses were under investigation to know that in some of them food for human beings was being prepared under revolting conditions. From this you can readily draw your own conclusions as to what the sanitary conditions must be in those abattoirs where there is no inspection. You can then appreciate the dangers to which consumers are exposed who eat meat from animals that have had neither ante nor post-mortem examinations. Bear in mind too that the greater proportion of the worn out dairy cows find their way to the uninspected slaughter-houses, and that fully ten per cent. of these cattle are tuberculous, with a greater proportion of the swine, to say nothing of other diseases. Is it then any wonder that tuberculosis is increasing?

Attention must also be given to the fact that "suspicious and diseased animals, liable to be condemned if sent to an inspected establishment, are sent to these local slaughter-houses, there killed and the meat sold to consumers who are ignorant of the grade of meat that is offered them." (See B. A. I. Report, 1908.)

After the passage of the Meat Inspection Amendment Mohler states that cattle suspected of being tuberculous were not sent to the establishments where Federal inspection was maintained, but were bought by dealers, shipped out of the State and killed in an uninspected slaughter-house. One butcher said that since the passage of the law he had been getting more diseased cattle than ever before.

Do we need to question why the Great White Plague has made such rapid increase? Meat from diseased animals will produce disease. The Federal regulations do not allow the flesh of animals to be used for food when the lesions of tuberculosis are generalized, as the greatest authorities have declared that the disease may be transmitted through infected meat, then it is the duty of every State to provide adequate laws and a sufficient appropriation to prevent the use of such meat in the State. Of what use to expend large sums of money to cure tuberculosis when by the use of tuberculous meat the disease is being carried to consumers?

Mohler states that the finding of the bovine type of tuberculosis in human lesions is the most direct and positive proof that tuberculosis of cattle is responsible for a certain amount of the disease among human beings, (Circular B. A. I. 125, p. 13.) while Schroeder maintains that "ingestion of tubercle bacilli is being proved to be the real method through which tuberculosis infection reaches the lung as well as other parts of the body." (Bulletin 93, p. 17, B. A. I.)

Tuberculosis causes the death of 14 persons out of every 100. Of the remaining 86 more than half show tuberculosis lesions under post mortem examination.

The financial loss is immense. Among the farm animals alone it is placed at \$14,000,000 annually. One of the largest meat packers has testified that his animal loss from diseased animals is about \$600,000, chiefly from tuberculosis.

Consider then the amount of meat that comes from uninspected abattoirs and to this add the fact that many of the dwellers in the tenement houses eat their chopped beef raw as well as the bologna sausage, and that beef juice is prepared from meat merely heated through. Is it any wonder then that the increase of tuberculosis is greatest among the dwellers in the tenements? State Boards of Health would do well if, in addition to sending out information as to the dangers from flies, they would send out circulars warning people not to eat raw meat. Ravenel says that cooking a joint of meat by the ordinary processes will not kill the tubercle bacilli in a piece weighing over 6 pounds. Leclainche states that the experiments made with beef juice showed that meat from tuberculosis cattle gave 17.3 per cent. of positive results.

During the last year Federal inspectors condemned as tuberculous

24,371 cattle and 27,467 parts of cattle.

77,584 swine and 628,462 parts of swine.

The total amount of meat condemned by Federal inspectors during the fiscal year of 1906-7 was 14,000,000 pounds. (Circular 125, B. A. I.)

From July 1, 1906, to December 31, 1908, they condemned and destroyed for food purposes 383,187 entire carcasses and 73,369,047 pounds of meat and meat food products. (Report of committee on charges of Harms against the meat inspection service; No. 644, July 2, 1909.)

These figures give an idea of what the Federal Government is doing to protect consumers from the dangers of eating diseased meat, and they show the amount that is rejected as unfit for food. Have we any reason to suppose for one moment that animals killed in the small and uninspected slaughter-houses would show a larger proportion of healthy animals?



Consumers are entitled to protection from diseased meat. The Pure Food Law provides a statute by which no diseased meat may be sold, but who can tell whether or not the meat is diseased unless the State makes provision for inspection by competent veterinarians?

Meat inspection is more necessary for the consumer than is the appropriation of large sums of money to provide good roads for automobiles. Many States provide the latter and not the former. We should not cease in our demands until laws are enacted in every State whereby Federal inspectors may have the co-operation of State inspectors. Each State should enact stringent slaughter-house and meat inspection laws, with a sufficient appropriation to ensure that competent inspectors may be provided and that the law may be enforced, not merely remain a law on the statute books.

The Bureau of Animal Industry continually urges this co-operation on the part of the States.

Until we have this legislation consumers have no protection against the dangers of eating diseased meat or meat from animals killed in filthy, unsanitary slaughter-houses, except in those few States that have already enacted protective laws. Pennsylvania was the first State to provide a complete Meat Inspection Law, although Montana and a few other States have enacted some legislation on similar lines. Cleveland is one of the few cities that has efficient municipal meat inspection.

Several of the States have curious meat laws.

Maryland provides (in Chapter 69, Section 55a) as follows: "No person shall kill for human food or shall carry or offer to carry to any butcher at any slaughter-house any animal that is so far disabled by sickness as to be unable to walk."

In Florida, (Chapter 5,665, p. 162) Section 1 reads: "It is unlawful to kill for any purpose any bull, steer, cow, heifer, yearling, or calf without inspection by a regularly appointed inspector, except as provided in Section 2."

Section 2 then undoes all the force of the statute by declaring that "the butchering of any such animal by the owner, his or her agent, if killed in the presence of one or more reputable witnesses shall not be unlawful."

South Carolina forbids the sale of the flesh of an animal that was disabled or seriously injured at the time of slaughter or which died a natural death or "*which may be found dead from a cause or causes unknown to such person.*" The natural inference is that if the animal was found dead from a cause known its flesh may be used for food.

The Food Committee of the Consumers' League began its work on behalf of a State slaughter-house inspection law eighteen months ago.

Mr. McCabe is drafting a model meat and slaughter-house inspection law at the request of the food committee of the Consumers' League.

This draft will be ready for our use next winter. We shall then ask the assistance of this body of food officials in placing this draft before the Legislatures of those States not already provided with an adequate law.

In order to correct the abuses that arise in many instances when animals killed for food on a farm are, according to the terms of the Federal law, exempt from inspection, it is proposed by Mr. Reynolds that county slaughter-houses should be provided where farmers could drive their animals that were to be slaughtered. At these places inspection could be made and meat from such slaughter-houses could be properly tagged to show that it had been inspected. While it is not supposed that this system could be followed in all cases, it is thought by Mr. Reynolds that in time consumers would learn to demand the meat with a tag on it, just as they now demand the Federal inspection mark. Farmers would thus find that meat so marked had a special value and so would finally be willing to take the extra trouble to drive their animals to such slaughter-houses. Inspection of animals slaughtered at these county establishments would be protection to consumers from the danger of eating meat from diseased animals slaughtered on a farm.

In a letter Dr. Melvin states, that no meat should be permitted to be sold in any community that has not been subject to competent inspection. "Animals slaughtered by farmers on a farm should be brought to some definite place where a fixed hour could be set for their inspection. They should be so slaughtered that the principal viscera will remain attached to the carcass and make a fairly efficient post-mortem inspection possible."

Mr. Reynolds would have all establishments inspected where fowls, birds, geese, ducks, etc., are kept in cold storage. The date of placing this poultry or game in cold storage should be placed on an undetachable label together with a stamp to indicate that they have been inspected and passed.

There should be a time limit for such storage and all animals kept beyond that time should be destroyed by an appointed inspector. Dr. Wiley suggests that in this regulation should also be incorporated one that would apply to fish and eggs. The temperature as to which the articles of food are to be kept in cold storage is also an item to be considered.

With regard to the use of meats from animals that have re-acted to the tuberculin test each State that permits the use of such meat should see that in deciding what portions of the animal may be used for food that the regulations of the Bureau of Animal Industry are followed. It is to be hoped that the time will come when no animals that re-act to the tuberculin test will be used for food, but until that day comes the only safeguard consumers have is that no meats may be sold in a State unless they have been subject to examination by competent veterinarians, who will follow the Federal regulations.

Mr. McCabe emphasises this in a letter in which he says that a model meat inspection law should not only follow the regulations of the Federal law as to inspections of food animals but also the sanitary regulations prescribed by the Bureau. "The adoption of the Federal Meat Inspection Regulations as to disease and as to sanitation would do a great deal to unify the national system of inspection, both State and Federal, and it would undoubtedly tend to produce harmony and co-operation between the Federal and State meat authorities."

In concluding this paper the food committee again asks that this body of food officials aids the committee in placing the model meat inspection law before the Legislatures of those States not already protected by adequate laws. We ask also that the following resolution be passed at this Convention of State and National Food Officials:

*Whereas*, the United States Meat Inspection Service provides for the inspection of only such meat as is intended for inter-state trade, which comprises only a portion of the total amount consumed in the United States, and

*Whereas*, the uninspected slaughter-houses within a State are in many instances conducted in a very unsanitary manner, and

*Whereas*, animals killed in such establishments come in a large measure from small farms and dairies where the percentage of tuberculosis is large, and the statistics show that nearly twice as many animals are condemned for all causes in the smaller establishments than in the larger plants where Federal inspection is now being conducted;

*Resolved*, that we recommend that each State and municipality should provide for the sanitary regulation of slaughter-houses and efficient veterinary ante and post-mortem inspection of all food animals slaughtered for consumption within its own limits.

ALICE LAKEY,

Chairman, Food Committee, National Consumers' League.

#### REMARKS OF MRS. FLORENCE KELLY.

Mrs. Kelley (following reading of paper): The Secretary kindly distributed, before the members came in, I think in the seats, some small leaflets, which the Consumers' League has had printed for distribution among women, very largely among the tenement house populations in the different cities. We are distributing these here not for the edification of this body but because we hope for stern criticism. We have enlisted for the war. We mean to enlist the whole body of American women, rich and poor, on behalf of clean and wholesome meat and milk and unadulterated food. We are not technically scientific, but we do not like to eat things the contents of which we do not know, and we know that we cannot learn except through this body and very greatly enlarged State representations—we know that we cannot learn except through the skill and efficiency of the State and National officers what food we are feeding to our children. We mean to keep on until we know, but we have a body of up-to-date, trustworthy knowledge, and we aim to make that accessible to the most ignorant mothers in this country, through co-operation with the philanthropic bodies and with the rapidly growing bodies, among very humble women, and we therefore submit these leaflets as initial experimental attempts at enlightening the most ignorant of the consuming public on the subject, and I would be very grateful if any of the officers here will look these over, and also the reports of the food committee published in "The Consumers' League," on the stenographer's table, and will make suggestions by which we may profit.

We have learned one thing from this work of the food committee which we are turning to practical account; we have adopted the idea of the score-card, and we are applying



it not only to dairies and stores, where we are not technically fitted to apply it very skilfully, but under the name of the Record (?) we are applying it to the officials of the States and the Nation. We have learned that where a department is highly efficient, as our New York State Labor Department is, we can get monthly information, in some cases weekly information; we can get the annual information on the day on which it is due. We have learned that the most important test of the efficiency of a department for us who are the consuming public and who also are the public that make public opinion—the most efficient test for us is the volume of information current, punctually published, made accessible for us, made understandable for us common people, afforded by the different officials who have to do with the things that we eat. I thought it might be of interest to this body to know that we are, in my office, doing now with regard to the food officials what we have done steadily for the last ten years with regard to the labor officials. We have a white list—we do not blacklist anybody, but we have a white list of States, according to their laws, and of officials according to their reports, and we are learning how meagre are the laws under which the officials operate and how astoundingly various is the standard of the work of the different states.

I thank you very much for this opportunity. (Applause.)

Address of Mrs. Sarah Platt Decker, Formerly President American Federation of Women's Clubs.

Mrs. Decker: Mr. President, ladies and gentlemen, I would like to make a very formidable objection myself. It is a very unfair thing to ask a woman to speak in this way. It would be a very unfair thing to ask one of your members to speak in this way. Now, the gentleman who has just preceded me I have no doubt has spent months of time in preparing his paper. I suppose he has consulted every encyclopædia and every authority and every university extension course and everything of the sort on the face of the earth to present that paper to you today, and it was a fine paper, and I appreciate what he said, and I think you all do. And now you call upon a woman, a very feeble and emaciated sort of a woman (laughter), who has been fed upon benzoate of soda for many years, probably, to come here and speak without any preparation at all. Now, I want to ask you if that is a fair deal. Not at all. I really feel this morning that you cannot hear anything from anybody, because it makes me think of what I heard two Irishmen say the other day. This congress makes me think of it. These two Irishmen had come to this country to live and didn't know much about the country, and one said to the other, "The trouble is here that they have capital punishment." "Well, what is capital punishment?" He says, "You know capital punishment is hanging you by the neck until you are dead when you are wicked, and," he says, "I ain't been so very good myself." "Well," he says, "but there is a new kind of capital punishment; they don't hang them any more." "Oh, I didn't know that," he says. "I always thought capital punishment was hanging by the neck." "No," he says, "they kills them another way now; it ain't so bad." He says, "They kills them by elocution now." (Laughter.)

I am afraid you have been almost killed by elocution. I should judge so from what I have heard myself. (Laughter.) So I am sure you do not need any more. I only come to say, then, that I am not a reformer, and I am not a person who diets, who lives on any of these things which you prepare for us, but I am just a plain, practical housewife. I have been at the head of a great organization of women, and we have been very much interested, and I have been so proud of two or three men here who actually had the courage to say that women help them. There was Mr. Coulter of Missouri, what a magnificent testimonial he gave us; and there was Mr. Cannon, who had to do it, because we told him we would kill him if he didn't. (Laughter.) And then several other men have said that the women of this country helped them.

And now I want to ask why we should not help you in this cause. Why, this is our cause. This is not your cause. You simply are the soldiers who take the lead and we come after you. But I know how many of you men feel; many of you are saying in your hearts, "No, but the place for woman is right by her fireside; she should not go outside of that." I believe a very famous president said that once. He said we were losing our very sacred precinct when we went outside of our homes. Now, that might very well have been a very just remark from his point of view and the point of view of the woman who brought him up, because his mother, and doubtless his grandmother, was the manufacturer for the family, if you will think of that! She lived right on her own place, and everything that was manufactured there she manufac-

tured. She made her own jellies and jams; she preserved her own fruits; she had her own cows driven up under the window and milked them herself, or watched some one milk them, and strained the milk and purified it and made her own butter. That was her sacred precinct then, and he was right. But I want to ask you where is our sacred precinct now? It has moved out. In this city two years ago ten little children lay ill of typhoid fever. Some of them were carried away, leaving a darkened home and sad, sad hearts and destroyed hopes. Why? Because the mothers of those children believed their sacred precinct was at the fireside. Their sacred precinct was in the dairy, in the factory, and the ten little children lost their lives and the hopes were destroyed because their mothers had sat with their feet on the fender thinking that was their sacred precinct. Why, the sacred precinct is right in this gentleman's canning factory; it is in the jungle; it is in the bakeshop; it is in the dairy, is it not? (Cries of "Yes" and "That is right.") And are we going to be good mothers and sit by our firesides and let our "precinct" put in all sorts of things and make apple butter out of water and benzoate of soda? Well, I don't believe it. And it is not because I want to be a tremendously prominent woman or wish to be notorious or wish to have my picture in the paper. I dread it. I have seen some very good ones look much better than I, and some very bad ones, and so have you all. I have seen all of your pictures in the paper; some of them I think you must have paid for. (Laughter.) But it is not that, it is only this, that the fact has been borne into the women of this country that we have to make a stout march after such men as Dr. Wiley, and we have to see to it that our children are fed as our mothers saw it and as our grandmothers saw it. You cannot do one thing without us, not a single thing can this pure food association do without us. (Applause.)

Now, let me ask you something in your own hearts—why do you want to do without us? Are we not agreeable? Are we not friends to you and are we not the best comrades you ever had? Ask Dr. Wiley if we have not been good comrades to him? Didn't we go to congress? Why, one of the senators said, when the pure food question was up, "I don't understand this country any longer. I am a great senator from a great state, and," he said, "I was apparently put here to pass laws, and the women's clubs tell me what to do, and," he said, "I have a wagon load, absolutely a wagon load, of letters and telegrams and petitions. I am deluged with them, from the women's clubs, and what is the use of my coming to congress, and why don't you send the women's clubs to congress and let them pass the pure food law?" Well, we pretty nearly did it (applause), and we feel very proud of it.

And now, why don't you make us members of your association? I would like to join, Mr. President. I would like very much to be an officer, and I don't know but what I will try to get elected. We have the suffrage here, and I know how to do it. Why should you not have the women as members here? Why not have the women of the country join hands with you, for who are more interested than they in the things you are buying and selling? I think you will have a great deal better association. I have always wanted a great association of men and women together, because we have come to be comrades. We no longer think the men know it all or that the women know it all or that we should be separate. We should be together. And I think it would be a magnificent thing if you would make women members of this association. I used to be president of the General Federation of Women's Clubs, and I always wished there was a general federation of men's clubs belonging to the General Federation of Women's Clubs, because all women want friends. We do not mean we want fame or notoriety or anything outside of just our own work in the world, which is the care of our children and of our families and of the tired and the sick and the helpless, and the making of better conditions. No, we do not go into these things for fame or notoriety; we go into these things because we believe we ought to do our duty as citizens, because we want better homes and better schools and better conditions; because we want to be a factor, as we should be, in the scientific upbuilding of a great nation. Why not take us in with you? Why should we not have a great association here of men and women? I heard a little story told on a club woman down in St. Louis. Coming out of a great exposition there were a lot of club women one night in a great crowd of people, and it was very dark, and one of the women found her shoe untied and stooped down to tie her shoe and in the press she was pushed along, and when she got up she was very much surprised to find that she was doing the lock-step with a gentleman next to her. She had tied her shoe string to his. I wish you would tie some of



the shoe strings of the good women of this country to the shoe strings of the good men of this association. We will help you to make our food better and to make our children's lives better, and we shall help you to make our nation a nation of noble men and women and to build our social structure upon the basis of purity and justice. There is no difference between us; we are just comrades; and I thank you very much for giving me the opportunity to say just a word. If I had an opportunity to prepare a speech I would have done just as you have done, but as it is you will have to accept what I have to say in this very informal way. (Great applause.)

### CRITICISM OF THE REFEREE BOARD.

#### ABSTRACT OF DR. REED'S ADDRESS BY THE HARTFORD CURRENT.

Dr. Charles A. L. Reed, of the University of Cincinnati, chairman of the legislative committee of the American Medical Association, believes that the Government was misled by its own referees as to benzoate of soda in food. He says the manufacturers of benzoate and the manufacturers of inferior food products fought the exclusion of the drug, claiming it was harmless and got the referee board appointed.

Experiments were conducted and later the board filed a report "unreservedly favorable to benzoate of soda as a food preservative." The Government then reversed itself and decided that this article might be used, stipulating that packages of food treated with benzoate should be marked so as to show its presence and amount. Dr. Reed, saying that "while the Government must go without criticism as being justified by the report of its chosen referees," criticises the report itself. First, however, he tells what benzoate of soda is and describes its effect when it is taken internally. Then he discusses commercial interests.

Lay readers will be especially interested in this part of his address:

"Then, too, it is important to remember that benzoate of soda, by virtue of its properties as a powerful antiseptic, was used and, since the removal of the ban by the Government, is again being used as a preservative for food. Experience amply proves that sound fruits and vegetables, including catsup from sound tomatoes, can be made to keep without the addition of benzoate of soda or any other added deleterious medicament. Unsound fruit and the slush from canning factories, slush that ought to go only into the sewer, can be and are today being preserved, purveyed and extensively consumed as articles of food by the simple process of first medicating them with benzoate of soda, permission to do which is based upon the finding of the referee board. It is to be remembered that the utilization of this material, which, without the use of benzoate of soda must go to waste, represents a large margin of profit to certain selfishly commercialized interests, and that this fact accounts in large part for the pressure brought upon the Government to reverse its original position."

Dr. Reed does not believe that the referees did thorough work. He says that it was manifestly incumbent upon the board to determine the amount of benzoate required to preserve sound food, unsound food and sewage. "But it has seen fit," he continues, "to ignore this practical phase of the problem, in spite of the fact that these commercial usages must have been known to the members." This is a rather serious criticism. Here is another:

"But did the scientists thus appealed to for the guidance of the Government in dealing with the lives and health of millions of people, and who were appealed to largely because of the prestige their personal attention to the question and the universities with which they were connected would give to the final decision—I ask, did these scientists do any of the actual work involved in the solution of this momentous problem? So far as indicated by the report, which cost well on to \$100,000, not for a single analysis of medicament, food or secretion, not a single physical examination, not a single record was made by any of the three eminent gentlemen whose names head this report."

Dr. Reed says that the whole thing seems to have been turned over to subordinates. Next he takes up the way experiments on men were conducted in New Haven, New York and Chicago, and makes it plain that he would not expect accurate conclusions. He says that "a constant purpose to exculpate benzoate as the cause of all functional disturbances in the subject is apparent on almost every page" of the report. Milk adulteration is taken up, and Dr. Reed says that "under the permission of this board's findings, the milk intended for

defenseless infants may now be medicated without limit by this drug, so far as our national law is concerned."

### THE BENZOATE OF SODA CONTROVERSY.

When the National Pure Food Law was passed, packers and preservers of fruit were forbidden to use any noxious or deleterious substances in manufacturing their food products, under penalty of criminal prosecution; certain government officials, including Dr. Wiley, the chief chemist of the Department of Agriculture, were to define what substances were noxious and deleterious under the law; Dr. Wiley and his associates, defined benzoate of soda as a noxious substance, and therefore food packers and preservers using benzoate of soda would have been subject to criminal prosecution without some modification of Dr. Wiley's decision; the matter was brought to Mr. Roosevelt, then President, and he referred the question to the so-called Referee Board of distinguished scientists, including President Remsen, of Johns Hopkins, and Professor Chittenden, of Yale; pending the decision of the Referee Board, food manufacturers who chose to do so were permitted to continue the use of benzoate of soda, provided they stated the fact and the quantity employed on their labels; and, finally, the Referee Board has now decided that benzoate of soda used in reasonable amounts is not noxious in its physiological effects. Thus we have as the actual situation today that the manufacturers who use benzoate of soda must continue to state that fact on their labels, until the officials of the government accept the recommendation of the Referee Board and expunge benzoate of soda from the list of deleterious substances the use of which is forbidden by the National Pure Food Law.

In the meantime those canners and preservers who introduced benzoate of soda into their products are making a great campaign to create a public opinion favorable to benzoate of soda. They claim that the opinion of President Remsen, one of the greatest living chemists, and of Professor Chittenden, one of the greatest of living physiologists, removes all distrust of benzoate of soda in food products; they say that benzoate of soda is found in natural fruits; and they assert that it cannot be used by unscrupulous manufacturers as a preserver of cheap, dirty, or decayed materials.

The last assertion is one still open to discussion, and, in our judgment, the burden of proof still rests with the users of benzoate of soda. No one questions the authority of President Remsen and Professor Chittenden and their associates as scientists or their integrity as men, but they have not undertaken nor have they been called upon to investigate the cheap preserving factories of the country in order to discover whether benzoate of soda is employed for the concealing of inferior material.—The Outlook.

### WILEY MAKES WAR ON EMBALMED PICKLE

#### Chief Chemist of Agricultural Department Starts Crusade Against Use of Alum in Rejuvenated Half-Spoiled Cucumbers.

Washington, D. C.—Dr. Harvey W. Wiley, chief chemist of the Agricultural Department and guardian of the pure food laws, has started a crusade against embalmed cucumbers and gherkins inoculated with alum. He asserts that withered and half-spoiled cucumbers are given generous hypodermics of alum, and under its magic influence the once soft, soggy and generally disreputable pickle of commerce is plumped out, rejuvenated and becomes so pleasing to the eye that few persons can resist its alluring attractiveness.

Although the board of food and drug inspection has had the question of the use of alum as a preservative under consideration for several weeks, no decision has yet been given.

Meanwhile, Dr. Wiley is working assiduously against the embalmed pickle and the alleged unscrupulous undertakers. Alum, he says, is one of the lesser known preservatives, its use being more circumscribed than that of benzoate of soda, borax, formaldehyde and other chemicals on which manufacturers wax fat while the consumers grow lean.

"What benzoate of soda is to the decaying tomato and borax to embalmed beef, alum is to the limp and lifeless cucumber," says Dr. Wiley. "The public does not appreciate the woes and misery concealed beneath the verdant jacket of the innocent looking pickle."—The Chicago Inter Ocean, August 9, '09.

The man who counterfeits the food people eat should be dealt with as severely as the man who counterfeits the money people buy food with.



## Objections to Model Food Law.

### Argument Presented to the Committee on State Uniform Food Law.

Hon. E. F. Ladd, Chairman Committee on State Uniform Food Law, Brown Palace Hotel, Denver, Colorado:

Dear Sir—We beg to submit the following brief of objections to the proposed State Uniform Food Law, prepared by the Committee on State Uniform Food Law, appointed at the twelfth annual convention of the Association of State and National Food and Dairy Departments:

#### OBJECTIONS.

First: (Section 3. Fourth paragraph.) There is objection to the words:

*"or so that it may deceive or mislead the purchaser or consumer."*

The first objection to these words is that they are different from the wording of the National Food Law on the same subject. The provision of the National Food Law on the same subject reading as follows:

"Fourth: If it be mixed, colored, powdered, coated or stained in a manner whereby damage or inferiority is concealed."

This provision of the National Food Law, taken in connection with the other provisions of the law against adulteration and misbranding, has been found to prevent fraud and deception in every case. There would, therefore, seem to be no occasion to insert any different wording into the proposed law—especially when uniformity is considered.

The second objection to these words is to the use of the word "may" therein. This word denotes an uncertainty. Its very province in the English language is to denote uncertainty. Hence it should have no place in a criminal law, which above all things should be certain in its terms.

By the use of the word "may" in the above named words the question is not whether an article at the time of investigation is "Mixed, colored, etc.," so that it will deceive or mislead the purchaser or consumer, or whether it is in fact in itself illegal in any way, but the question is whether or not it "may" under some preconceived or supposed state of facts or conditions "deceive or mislead the purchaser or consumer." Under such a law the food commissioner is not compelled to deal with actual facts, but if he wishes to make out a case he can imagine a state of facts under which the product might deceive. In other words, it permits a food commissioner (to use a common expression) to put up a straw man for the express purpose of knocking him down.

The paragraph should be changed to read:

*"If it be mixed, colored or changed in color, coated, polished, powdered, stained or bleached whereby damage or inferiority is concealed, so that it is deceptive and will deceive the purchaser or consumer, etc."*

Second: (Section 3. Fourth paragraph.) There is objection to the words:

*"or if it is colored or flavored in imitation of the genuine color or flavor of another substance."*

The first objection to these words is that they are not contained in the National Food Law, and with them in this law many articles legal under the National Food Law might not be legal under this law.

The second objection to these words is that they are

indefinite and cannot be understood, unless taken to mean exactly what the words import. For illustration:

(a) If a confection made in the shape of a banana is artificially colored and flavored in imitation of a banana color and flavor, it is then "colored and flavored in imitation of the genuine color and flavor of another substance."

If we take the law to mean exactly what it says, then the sale of a confection like the above is absolutely prohibited.

Neither will it avail anything to label it an imitation, because the proviso in paragraph sixth of Section 3 permits a product to be sold if "so labeled, branded or tagged as to show the character and composition thereof" EXCEPT "any article of food which is not adulterated under the provisions of paragraphs Nos. 4, 5 and 6 of Section 3." The fair inference from this would be that a product adulterated under paragraph 4 of Section 3 could not be sold under any circumstances, no matter how labeled.

If the foregoing be a correct construction of the meaning of the words objected to, then the effect of these words in the law is to absolutely prohibit the sale of all imitation products.

The above would apply to the sale of confectionery in the form of blackberries and raspberries, artificially colored and flavored, also to imitation chocolate candies, imitation licorice candies, and in fact to all confectionery colored or flavored in imitation of the color or flavor of another substance.

Again, these words if taken literally will prohibit the coloring or flavoring of a jelly so as to make it look like a strawberry jelly, etc., even though it be labeled and sold as "Imitation Jelly."

(b) Another objection to these words is that it is practically impossible to tell what is meant by the term "another substance."

For instance: In the illustration above we were speaking of products that resembled in form, flavor and color another substance actually existing. The candy was simply an imitation banana, etc. The jelly an imitation of another genuine jelly. In the case of the candy the genuine banana would probably be the substance meant by the words "another substance"; and in the case of the imitation jelly the genuine strawberry jelly would be the substance meant by the words "another substance."

But let us take these words exactly as they are written, and what do they mean when they say "in imitation of the genuine color or flavor of another substance"?

Do they mean that because a cherry is red no one shall use a red color in food. Or because licorice is black no one shall use a black color in food? Or because the grains of corn are yellow no one shall use a yellow color in food?

And if they do not mean this, what do they mean? And if they do mean this, they prohibit the use of all colors.

Or let us consider the case of an imitation strawberry extract, or any of the synthetic flavors of fruits that will not produce an extract. In such a case there



is no genuine strawberry extract to imitate. Would strawberry juice or the strawberry itself be the product meant by the words "*another substance*," and would it be illegal to sell a synthetic strawberry flavor because it has an imitation color and flavor of a strawberry? If this be so, then it will be illegal to sell any synthetic flavor. Imitation raspberry, strawberry, pineapple, banana, wild cherry, peach, and all other synthetic flavors cannot be sold, because they are each colored or flavored in imitation of the genuine color or flavor of another substance. Then are soda waters in which these imitation colors and flavors are used illegal?

(c) If the words quoted and objected to *are not* to be taken literally, as for instance it be said that they *are not* intended to prohibit the sale of an imitation candy banana, then we ask *why is an imitation candy banana excluded?* And if these words are to be *modified* in any way, where are we to place the *limits of modification?* If these words do not prohibit the sale of an imitation candy banana, then *do* they prohibit the sale of an imitation strawberry flavor? And why? And if they *do not* prohibit the sale of an imitation candy banana or an imitation strawberry flavor, *do* they prohibit the sale of an imitation strawberry jelly? And why?

(d) Doubtless the courts will consider this law as a law aimed at the prevention of fraud, and will construe these words in such a way as to prevent fraud. But granting this, it admits of *modification of the words*, and the difficulty lies in determining the *limit of modification*. For instance: The courts might hold that since these words were intended to prevent fraud, they apply only to a fraudulent article, and that if an article be labeled to show that it is an imitation, it is not fraudulent and not prohibited. But why subject the food manufacturers to the uncertainty of a court decision? They are entitled to a law that admits of the least possible uncertainty, and some food commissioners seem to prefer to enforce *their own construction* of the food laws by various means without giving a court a chance to construe the law.

The National Food Law is not at all uncertain when applied to similar cases. It provides:

"That for the purposes of this act an article shall also be deemed to be misbranded:

"First: If it be an imitation of or offered for sale under the distinctive name of another article. . . .

"Provided, That an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases:

"First: . . .

"Second: In the case of articles labeled, branded or tagged so as to plainly indicate that they are . . . imitations, . . . and the word . . . 'imitation' . . . is plainly stated on the package in which it is offered for sale."

The foregoing, in conjunction with the other provisions of the National Food Law, completely and equitably cover and regulate the sale of imitation products and the use in an article of an imitation color or flavor.

These words of the National Food Law are comparatively easy to understand. Why not adopt them in this law and do away with all of the uncertainty above enumerated?

Third: (*Section 3. Fifth paragraph.*) The fifth

paragraph of Section 3 is objectionable for the following reasons:

(a) Because it prohibits the use of *benzoate of soda*, a substance which has been found to be harmless when used in food in large or small doses, and the use of which is permitted by the United States Government under the National Food Law. Also because the use of benzoate of soda, being a harmless substance, cannot legally be prohibited, but may only be regulated. The Court of Appeals of the State of New York in the case of "*The People of the State of New York vs. John S. Biesecker*," says:

"The sale and consumption of a well-known article of food or a product conclusively shown to be wholesome could not be forbidden by the legislature, even though it assumed to enact the law in the interest of public health."

(b) Because it prohibits the use of *saccharin*, a harmless substance, and one which may be used under the National Food Law, and the use of which cannot be legally prohibited for the reasons set forth above.

(c) Because it prohibits the use of *sulphurous acid*, a harmless substance as used in food, and which is permitted to be used in the form of *sulphur dioxide* in molasses and dried fruits under the National Food Law, and the use of which cannot be legally prohibited for the reason set forth above.

In support of this objection we also beg to cite the following joint resolution of the legislature of California referring to this particular provision of this particular proposed law and resolving that the enactment of such a provision is unnecessary and premature, and transmitting the resolution to the governors and legislative bodies of other states:

"CALIFORNIA JOINT RESOLUTION No. 13.

"Adopted in Senate February 2 (1909).

"Adopted in House February 2 (1909).

"Whereas, Under the National Food and Drugs Act of June 30, 1906, known as the 'Pure Food Law,' a decision was rendered by the Department of Agriculture, designated as 'Food Inspection Decision No. 76,' limiting the amount of sulphur dioxide in dried fruit for interstate shipment to 35-1,000 of 1 per cent, and

"Whereas, it was found impossible on the part of the California growers and shippers of dried fruit to produce a sound and merchantable product for such interstate shipment and keep the same within the requirements of said food inspection decision, and

"Whereas, said sulphured dried fruits, such as peaches, pears, apricots, and apples, have for many years been prepared by this method (known as sulphuring) without injury to the product or to the consumer and the most eminent scientific and medical authorities have declared such sulphured fruit to be non-injurious and healthful, and

"Whereas, the President of the United States has appointed a national commission composed of eminent scientific men to investigate and report on this question and pending such report said food inspection decision No. 76 stands suspended, and

"Whereas, there is pending and to be introduced in the legislatures now in session and to convene in other states a bill prepared by the Association of State and National Food and Dairy Departments, which bill, should it become a law in any state, would prohibit the sale therein of any food product containing sulphur dioxide; now therefore be it



"Resolved, by the senate and assembly jointly, that it is believed that such an enactment passed in any state at this time is unnecessary and premature and that the result of the adoption of such law would work an incalculable hardship upon and be an injustice to the dried fruit industry of California and that such legislation should at least be deferred until the said national referee commission shall have rendered its report, and be it further

"Resolved, that copies of this resolution be forthwith transmitted to the governors and legislative bodies of all states where the legislatures are now in session or about to convene, asking their consideration lest they, before a full hearing and decision is rendered, impair and destroy an industry that supports and sustains hundreds of thousands of persons in every portion of the United States."

(d) Because it prohibits the use of *caffeine*, a harmless substance as used in food and beverages.

FOURTH: (Section 3, sixth paragraph.) Objection is made to the proviso contained in the sixth paragraph of section 3, for the following reasons:

(a) Any article of food adulterated under the provisions of *paragraph 4* is by this proviso denied the privilege of being manufactured and sold if the same be so labeled, branded or tagged so as to show the character and composition thereof. The restriction should be removed as to paragraph 4 and the proviso should provide that any article of food which is not unwholesome or unclean and does not contain any deleterious ingredient may be manufactured or sold if the same be so labeled, branded or tagged as to show the character or composition thereof.

(b) The proviso should provide that any article of food containing *benzoic acid* or *benzoates*, *sulphurous acid* or *sulphur dioxide* or *saccharine* may be manufactured or sold if labeled, branded or tagged so as to show the presence and (perhaps) the amount of those substances present.

(c) The proviso is objectionable because it denies any article of food which contains any filler or ingredient which debases without adding food value the privilege of being manufactured or sold if labeled, branded or tagged so as to show the character and composition thereof. Strictly interpreted this might be said to prohibit the use of colors. They add no food value, they are an ingredient, and as far as food value is concerned some might argue that they debase.

(d) Objection is made to the requirement in the proviso that "*all labeling of packages required in any provision of this act shall be on the main label of each package and in such character and size of type as shall be uniform with the name of the brand or the name of the manufacturer or jobber.*" The particular objection is to having such labeling the same size as the name of the brand or the name of the manufacturer. A type large enough and plain enough to be readily seen and read and understood by the purchaser or consumer is all that is required or ought to be required, and the size of the type used in the name of the brand or the name of the manufacturer has nothing whatever to do with the proper size of the type to be used in giving information that the purchaser or consumer is entitled to.

FIFTH: (Section 4, paragraph first.) Objection is made to the first paragraph of Section 4, which reads as follows:

"First. If it be an imitation of or offered for sale under the name of another article."

This provision is objectionable because it might be construed to absolutely prohibit the sale of all imitation products, and nowhere in this law is provision made for the sale of an imitation product when labeled to show that it is an imitation. This is entirely different from the provisions of the national food law, which provide that an imitation product may be sold when labeled, branded or tagged so as to plainly show it is an imitation.

SIXTH: (Section 5, paragraph first.) Objection is made to the first paragraph of Section 5 for the following reasons:

(a) It provides that "*every package, bottle or container*" must bear the name of the *real manufacturer or jobber*. This is objectionable because it does not include the name of the dealer. It is a common practice all over the United States for retailers to have their own private brands manufactured for them, and which they sell under a label reading "Manufactured for," or "Distributed by," followed by the name of the dealer. This connects a responsible party with the article of food, and it is unreasonable to require that in addition to such a name the label should contain the name of the real manufacturer or jobber. Objection might also be made to the name of any manufacturer, jobber or dealer being required on a label, as the courts have held that such a requirement has no proper place in a food law.

(b) Objection is made to the requirement that all food must be labeled to show its *true grade* or *class*. This is a variation from the national food law, and furthermore the word "*true grade or class*" are indefinite and practically meaningless.

(c) Objection is made to the requirement in this paragraph that the *true net weight or volume of the contents or capacity or trade size of the container* must be stated on every package, bottle or container. This is an unreasonable provision and an impracticable one, when applied broadly to all food.

Many foods and confections are sold by the package and not by weight or measure, and a statement of the net weight or measure on such packages will accomplish no good and add to the cost of the production of the product, a cost that the consumer would ultimately have to pay.

A manufacturer has a right to sell his product by the package and place any price he may see fit on that package. If he chooses to sell a package of candy for 5 cents and the public is willing to pay 5 cents for such a package, it matters not what the weight of it may be. If the weight is placed on such a package the manufacturer will not increase the amount in the package and the public will continue to buy it just the same. What does it profit a purchaser to know that a certain 5 cent package of candy weighs three and nine-tenths ounces? The package may contain some light, fluffy confection and be larger in size than two or three pounds of some other candy.

Then again, to require these packages to be labeled with net weight makes it necessary to weigh each package, because when filled they will vary in weight, and no two of them will weigh exactly alike.

In this behalf we would respectfully call the attention of the committee to the fact that last winter the following net weight bills were introduced in the legislatures of the states named:

Colorado—H. B. 308.

Connecticut—H. B. 149.

Illinois—H. B. 545, 544, 525; S. B. 391, 390.



Iowa—H. B. 311.  
 Massachusetts—H. B. 334.  
 Michigan—H. B. 283.  
 Missouri—H. B. 1118.  
 Indiana—S. B. 320; H. B. 566.  
 Montana—H. B. 285.  
 Nebraska—H. B. 486, 310, 467, 505; S. B. 346; 329.  
 New York—H. B. 138; S. B. 139, 82, 83.  
 Oregon—H. B. 285.  
 Utah—S. B. 150.  
 South Dakota—S. B. 66.  
 Washington—H. B. 437.  
 Wyoming—H. B. 150.  
 Total, 29.

Hearings were had on these bills before legislative committees in practically all of the states. In some of the states they were very bitterly fought, and every possible effort was put forth to pass them, by the parties back of the bills, especially in Illinois, Iowa and Nebraska. But the legislative committees in nearly every state, after having heard both sides of the question, reported the bills unfavorably, and all of the bills were defeated except one bill that passed in Nebraska, which requires net weight only on certain products especially named. It does not affect confectionery.

SEVENTH: (Section 6.) Section six is objectionable as follows:

(a) Because it fixes definitions and limitations and *excludes all substances* not specifically included in the respective definition. The section should provide that a variation from the definitions and limitations should not be held illegal when the nature and extent of the variation is plainly stated on the label. This, of course, to be drawn so as not to permit harmful ingredients to be used.

(b) There is objection to many of the standards, as many of them are not based on custom or established usage in this country, but are simply *arbitrary* standards. Notably: The standard on *ice cream*, the standard for *syrup*, the standard for *wine*, and the standard for *preservatives*.

The standards are also incomplete, particularly in that they fail to establish a standard for corn syrup, under the name of "corn syrup," a syrup that is commonly known and recognized under that name.

As a full discussion of these standards would be too much of an undertaking in this behalf, we will not discuss them further, other than to say that as they stand they are not all proper standards to become a law in any state. Respectfully submitted,

The National Confectioners' Association.  
 The National Wine Growers' Association.  
 National Manufacturers of Soda Water Flavors.  
 J. H. Barker & Co., 447 West 31st street, New York city.  
 Rigney & Co., 348 Park avenue, Brooklyn, N. Y.  
 Boyle & Williams, Bradford, Pa.  
 Towle Maple Syrup Company, St. Paul, Minn.  
 St. Paul Syrup Refining Company, St. Paul, Minn.  
 Marshalltown Syrup and Sugar Company, Marshalltown, Iowa.  
 National Manufacturing Company, St. Joseph, Mo.  
 Farrell & Co., Omaha, Neb.  
 Bliss Syrup Refining Company, Kansas City, Mo.  
 Penick & Ford, Shreveport, La.  
 New Orleans Coffee Company, New Orleans, La.  
 Manierre-Yoe Syrup Company, 399 Michigan street, Chicago.

D. B. Scully Syrup Company, 416 Illinois street, Chicago.

Scudder Syrup Company, 181 Erie street, Chicago.

Berry-Maybrun Company, 65 Larrabee street, Chicago.

C. D. Cannon Maple Company, 24th place and Western avenue, Chicago.

Oelerich & Laux, 47 Larrabee street, Chicago.

Glaser, Kohn & Co., West Washington and Union streets, Chicago.

B. Heller & Co., 249 South Jefferson street, Chicago.

Rex Bitters Company, 1712 Michigan avenue, Chicago.

Horine & Bowey Company, 81 Illinois street, Chicago.

W. H. Hutchinson & Son, 196 South Desplaines street, Chicago.

Jersey-Creme Company, Fort Worth, Texas.

By THOMAS E. LANNEN,

Attorney for the above named firms and associations.

Brown Palace Hotel, Denver, Colo., Aug. 23, 1909.

#### LYDSTON BARRED AS SPEAKER AT MEDICAL MEET IN ST. LOUIS.

The executive committee of the Mississippi Valley Medical association, prohibited Dr. G. Frank Lydston, professor of surgery of the University of Illinois at Chicago, from reading a paper before the association entitled "The Russianizing of the American Medical Profession."

This action was taken because Dr. Lydston's paper was a personal attack upon the medical record of Dr. George H. Simmons, secretary of the American Medical association, which Dr. Lydston declared is a trust.

The decision of the executive committee followed the action of the program committee in deferring Dr. Lydston's paper until the last day of the session. Its regular place, the author says, was the second day. He believes the program committee deferred it until the last day in the hope of avoiding the necessity of refusing to let him read the document.

"They dare not throw me out of the American Medical association," Dr. Lydston stated hotly when asked how the association regarded his attack upon Dr. Simmons. "I have spent thousands of dollars getting the facts concerning Dr. Simmons and have had many pamphlets printed in this controversy. I have not done yet."—*Chicago Tribune*.

#### CANNED GOODS HELD UP.

Prof. C. W. Harrison, chief of the New Orleans Pure Food and Drugs Laboratory, detained a very large consignment of canned goods from France, because the goods, which comprise a great variety of imported comestibles, have not been canned in accordance with the French food law, which went into effect August 1, which prohibits the use of lead solder and tin, either externally or internally.

Prof. Harrison says at least 90 per cent of French canned goods shipped to New Orleans importers will not conform to the French food law. The United States government forbids the importation of any class of goods which might be under prohibition by the foreign power from whose country the articles come. Some of the New Orleans firms who have placed orders have cabled to cancel them, fearing they will fail to comply with the law.



### COMMISSIONER MAINS OF NEBRASKA COMPLAINS ON WEIGHT OF GOODS.

Food Commissioner S. L. Mains has made affidavit to the county attorney of Lancaster county that about twenty grocers and meat market proprietors of Lincoln are violating the pure food law and asking him to prosecute. The names of the merchants include nearly all the prominent men in that business in the city. The complaint alleges that each and all of them are selling lard and substitutes for lard without the weight being branded on the packages. These packages and cans of lard were furnished by three packing firms, Armour, Swift and Cudahy. The law passed by the last legislature specifically mentioned lard and its substitutes as products which must bear their weight labeled on the outside of the package. The food commissioner is making the prosecution as a test. He says that there is no getting around the meaning of the law, and that it must either be obeyed or the courts must declare it inoperative.

Following are the names of the local merchants against whom complaint has been made by the deputy food commissioner: Fred Schidt, 917 O street; J. R. Burleigh, 237 South Eleventh street; Standard Meat Company, 1405 O street; Lincoln Grocery & Meat Company, 1541 O street; Fred Voight, 115 South Ninth street; Johnson & Beckmarck, 245 South Eleventh street; Jacob E. Lichtensteiger, 201 South Tenth street; Frederich Bros., 142 South Thirteenth street; Good Luck Grocery, 129 South Twelfth street; John Geslach, Tenth and P. streets; Nebraska Grocery and Meat Company, 1036 O street; J. R. Burleigh, 121 North Fourteenth street; J. W. Wolfe, 226 North Tenth street; J. R. Burleigh, 889 North Twenty-seventh street; Venner & Son, 360 N. Twenty-seventh street; August Lundholm, 120 South Twelfth street; O. J. King, 1126 N street.

#### PACKERS ARE TO BLAME.

These merchants have all been handling the products of the three packing companies mentioned. No attempt has been made by those packers to observe the provisions of the law as amended by the last legislature. Food Commissioner Mains has followed the plan adopted by his predecessor in office, J. W. Johnson, in this respect, and has made his complaints against the retailer rather than against the packer. In this way more immediate action and results can be obtained through the courts, since the cases cannot be taken to the federal jurisdiction. The theory is that if the retailer finds himself in danger from handling a product that is not made to conform to the branding provision of the law he will refuse to handle it longer and the decrease of trade will force the manufacturer to a strict observance.

Besides the packing companies the National Biscuit Company has ignored the amended law. Two years ago this corporation refused to do business in the state under the interpretation of the law and withdrew its product and its advertising. It was expected that when its effort to have the law amended to do away with branding of weight on packages failed it would do the same thing again. This did not occur, for almost every country paper in the state is carrying large display advertisements of the products of that company. Action has not been begun against it.

The law passed in 1907, the original pure food law, was ambiguous as to the branding of both contents and weight, and at the last session of the legislature

an effort was made, backed by the approval of the governor, to make the law conform to the federal law, which makes it obligatory on the manufacturer to mark the weight correctly if he marks it at all. The attempt failed, and the law was amended to make the meaning clear. It now reads: "If sold for use in Nebraska, and in package form, other than canned corn, if every such package, as provided and named below, does not bear a correct statement, clearly printed on the outside of the main label, of the contents and also of the net weight or measure of the contents exclusive of the container, viz.: all dairy products, lard, cotton-lene, or any other article used as a substitute for lard, wheat products, oat products, and corn products and mixtures, prepared or unprepared; sugar, syrup and molasses, tea, coffee, canned, dried fruit."—*Lincoln, Neb., Journal.*

### FOOD EXPERT NAMED ASSISTANT CHEMIST AT MARYLAND AGRICULTURAL COLLEGE.

Mr. Cornelius Beatty, a Baltimorean and a graduate of the Johns Hopkins University, who for the last few years has had charge of the pure food work at the Oklahoma Agricultural Experiment Station, has been appointed assistant state chemist at the Maryland Agricultural College. He will assume his new position at once. Mr. Beatty will assist Dr. H. B. McDonnell, the state chemist, in the administration of the Food and Fertilizer law.

Those who are conversant with the way in which the Food and Fertilizer law has been administered under the direction of the state chemist, and under the jurisdiction of the college, believe that the Pure Food law, if passed, should be operated from the college, and not by the State Board of Health. One of the reasons given for this is that the equipment and men for the work are already established at the college. Another reason is that more than 90 per cent of the indictments found under the United States Pure Food law are for fraud. Accordingly it is argued that the administration of the law is not properly a function of the State Board of Health, nor is it equipped to enforce its provisions.

### AGAINST ROTTEN EGGS.

#### Pure Food and Drug Commission Proposes to Do All It Can to Protect Trade.

Vermillion, Sept. 23.—Professor Alfred N. Cook of the State Pure Food and Drug Commission proposes to do all that he can to protect the trade from rotten eggs. Complaint has been lodged with him by many dealers to the effect that the law is being continually violated, and he has been conferring with several wholesale men with a view of remedying the evil. The law makes it a misdemeanor subject to fine or imprisonment in the county jail to buy or sell decomposed animal foods, or even to ship or receive them. In view of these facts, the commissioners have laid down the following rule:

"It is hereby ruled that all eggs bought or sold in the market must in all instances be subjected to candling."

This will be welcome news to the housewife who has been buying eggs by the dozen and having to throw out from three to six of them.—*Sioux Falls, S. D., Argus Leader.*



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## "MANUFACTURED SENTIMENT VS. SCIENCE."

One of the spokes of the medical machine has spoken in support of the political-medical ring which condemned benzoate of soda as a food preservative and endorsed Dr. H. W. Wiley, who in these times stands strongly in need of endorsement, even if only by a non-scientific organization or an organization of his own creation. The attitude of this association or rather of the "House of Delegates," (the organization of all the little associations are patterned after the big association, for the purpose of enabling the few to rule the many,) is not strange. Indeed it would be surprising if any of the delegates of the Pennsylvania or any other state medical society who hold their appointment by virtue of a willing disposition, to allow a few ringleaders of the American Medical Association to possess their souls and consciences would have the presumption to vote against a resolution introduced by their mentors.

The temporary influence of the action of this association and others like it that may no doubt be whipped into line, on public opinion concerning the use of foods containing benzoate of soda as a preservative in foods and the sale of such goods in competition with goods which contain other preservatives or no preservatives is problematical. The average reader no doubt will be influenced in his views. The intelligent reader and the enlightened newspaper will accept only competent authority to control their conclusions. Unfortunately for the public, the *false*, because usually sensational, gains far more publicity than the *truth*, because usually prosaic.

The real question of course remains unsettled by resolutions. It is a question of fact which must be discovered by experiment and observation. It is whether sodium benzoate in foods in the amount necessary to use to accomplish a desirable purpose is detrimental to health? If in the slightest degree detrimental to health under any conditions, are the benefits conferred greater than the harm produced?

Several scientific investigations on animals and man have been made in this country and in foreign countries with indecisive and conflicting results. At last it was placed before the greatest tribunal of America if not the world with unlimited time and money at their disposal. That tribunal was not a political or quasi-political body. It had no axes to grind. It had no jobs to lose. It had no favorites to play. It was

a board whose very personnel was a guarantee accepted by the scientific world as to the authenticity and reliability of its findings. It was a board the individuals of which were trained in the work at hand, who had made work involving similar principles a life study. It was a board whom to attempt to belittle among scientific men would result in nothing but silent contempt as instanced in the case of Dr. Reed before the food commissioners in convention at Denver. It would be like a man with an opera glass instructing Holden to study the stars; like a chemist if there were any so presumptuous, differing with the doctor as to the proper way to set a broken leg or suture a ruptured artery.

This Board of Consulting Scientific Experts has studied, experienced and rendered a unanimous verdict. Among the educated, not only among scientists, but among those who recognize that each problem of life must be handled by those who by education, training and experience are best able to master it, the verdict and conclusion will stand as the nearest answer the attainments of men of the present day can give. It may not be final. The last word is never said. It is conclusive for today. As consumers we may as safely be guided by this verdict as we would the advice and prescriptions of our favorite physician if we were sick. Neither specialist may be infallible or in accord with the thought of a thousand years in the future. But it is the best we may avail ourselves of at the present moment. However, it is the absolute duty of those entrusted with the administration of food laws to interpret them and to enforce them in the light of the best knowledge of today—not of a hundred years ago or of their surmise of what may be the knowledge of men one hundred years in the future.

The resolutions of the Pennsylvania branch in endorsing the resolution of the political ring of the American Medical Association are only interesting as showing the power of the machine and the willingness of the subservient physicians to express an opinion on something about which of their own knowledge they know absolutely nothing and about which they are not supposed to know anything except as it may be their duty to follow the latest scientific investigations connected with public health. If the medical society were endorsing Dr. Fakem's "Nerve Ease" they would demand, at least, one clinical case showing slight benefit to the patient using the remedy, particularly if confronted with abundant and well authenticated evidence that it was worthless for the cure or alleviation of nervous diseases. And in their "Whereas'es" they would no doubt say—that whereas Dr. Fakem's "Nerve Ease" has been found beneficial in nervous diseases; therefore be it Resolved that we recognize it as an ethical preparation.

But in the benzoate of soda resolutions the society (House of Delegates) proceeded as follows:

"Whereas—public opinion has become much aroused over food adulterations. (Have the Pennsylvania physicians just awakened from a Rip-Van-Winkle sleep.) and

"Whereas—diverse opinions have been expressed concerning the use of preservatives in foods (Rather indefinite) and,

"Whereas—certain preservatives make possible the use of foods that have begun to decay (certainly true of pungent spices and strong vinegar.)

"Therefore be it resolved: That the Medical So-



ciety of the State of Pennsylvania in convention at Philadelphia, declares that it condemns the use as a food preservative of benzoic, boric, salicylic acids and their compounds and all other similar chemicals as in the opinion of this society such preservatives are unnecessary and are detrimental to the public health." (It is peculiar that the society condemns the preservatives which do not make possible the use of foods which have begun to decay and by inference favors those which do conceal inferiority—the converse of their only scientific apology for the resolution.)

If the society could have said: "Whereas, benzoate of soda, used as a preservative in food has been shown to be detrimental to health,

"Therefore be it resolved; That we condemn the use of this preservative in food and ask legislation of the state and of congress to prohibit within the jurisdiction of the respective bodies the use of benzoate of soda in food."

That resolution would have been unequivocal and logical and the only fault to be found with it would have been that it was founded upon a false premise. In the Resolution passed the premise even is misleading and the resolution a condemnation without the support of a single fact or argument.

The resolutions of the P. M. A. are useful also as a text for the *Philadelphia North American* to unloosen another tirade of untruthfulness, and of misrepresentation in behalf of a certain large conserve firm of that state and of a certain public official. It may, however, be perfectly legitimate for this paper to picture benzoate of soda, chloride of soda, or sugar, as a deadly poison secure in the knowledge that no misrepresentation can possibly occur as the public does not expect the truth from this publication. Furthermore it has the backing of the aforesaid society in that the society endorses the newspaper. Proof, authority, cases cited, experiments, facts, are quite unnecessary to either party. The society backs the newspaper and the newspaper backs the society.

The newspaper, in support of its arbitrary position, palavers the physicians and decries the experiments of the scientists, all unconscious that in so doing it is making itself the laughing stock of the world.

Only one statement of the newspapers in connection with its contempt for chemists will be referred to and that only to correct an absolutely false quotation of one of the members of the referee board.

The quotation is as follows:

"The worth of the Remsen board's chemists' opinions in the matter of drugged food was put pretty effectually upon a par with those of the insanity experts in the Thaw case, when one of those thoroughly estimable and honorable scientists was led to declare that benzoate of soda could not be used to preserve rotten materials because, when he made catsup with it alone, without using flavoring condiments, the smell and the taste were not disguised—a judgment absolutely true, yet unparalleled in absurdity since Dogberry died."

The actual statement of the member of the referee board in detailing his experiments and its results is as follows:

\* \* \*

**Extract from Address of Prof. John H. Long.**

"Within a year this discussion has taken on a new phase. There are now very few persons who are willing to maintain that benzoate is a dangerous

poison, or even a poison at all, in the ordinary acceptance of the term. It now appears that the main objection to the employment of sodium benzoate is on account of its alleged use in covering up inferiority of product. On this topic much may be said, but unfortunately it is outside the limits which have been assigned to me for discussion, and I can do no more than make a brief reference to work which came under my own observation.

I have seen some experiments on the question of concealing inferiority, but a digression will be necessary to explain the conditions under which they were made. Some months ago, shortly after the Atlantic City meeting of the American Medical Association, a well known Chicago physician, who has been active in the affairs of the association, called me on the telephone and asked for some information on the benzoate question. He told me he had assisted in putting through the well-known resolution, and had gone to Washington with the committee who waited on the President.

His object in calling me was to ask me to meet a number of men who are engaged in the manufacture of food products, and who had evidently informed him of the fact that the Atlantic City resolution was a hasty one, and not warranted by the facts. I did not accept his invitation at the time, but told him that it had been the policy of the Referee Board to keep out of all discussions as far as possible. Some days later he repeated his invitation and very strongly. Following this new request I went to his office and met several men. A very general discussion followed, in which I took no part, except to answer some chemical questions which came up from time to time. There were two physicians present, and they expressed a desire to see a catsup made from poor materials in which the inferiority would be concealed by means other than by the use of benzoate, if possible. One of them finally asked me if I would allow such experiment to be made in my laboratory. To this I gave consent, and some days later the experiments were carried out. The catsup was made by a gentleman representing a large manufacturing firm. He sent to the laboratory a mass of rotten tomatoes, but I had meanwhile gathered up more rotten tomatoes, apples, a few peaches and some bananas also. These batches were allowed to rot further through four or five days, producing, of course, a mass far worse than anything which could come up in practice but which would serve well to illustrate a fact, and when the two physicians and the catsup men came to the laboratory the physicians stated that they would prefer to have my material used. This was done, and some two gallons of product were made.

*Some of this was preserved with vinegar and spices, some with benzoate, and some was left unmixed. The odor and taste of the last was bad; that with the benzoate essentially the same, while with the vinegar and spices a fair grade of commercial catsup was secured. A worse lot of raw material could not be imagined, yet the inferiority in the one batch of product was completely concealed by the use of the vinegar and spices. And this is a perfectly logical result.*

The professional men who witnessed the experiment went away convinced that sodium benzoate is absolutely inert as far as concealing inferiority of materials is concerned. It has no odor, no color and but little taste; it can not make a bad product good or



*appear good*, but this last is in many cases very easy with sufficient use of spices or acetic acid in the form of strong vinegar.

I am firmly of the opinion, therefore, that the charge against sodium benzoate that it serves to conceal inferiority, is quite without foundation as far as this product, catsup, is concerned, and the same is doubtless true of other products, in which its use for this purpose is alleged."

*American Food Journal* of Sept. 15, 09.

\* \* \*

The scientists therefore did not declare that benzoate of soda could not be used to preserve rotten material but instead that it could not be used to disguise rotten material.

He did not attempt to make catsup with benzoate of soda alone—that would indeed have been absurd, but instead watched an experienced catsup man make the catsup with raw material previously obtained and then tested two common methods of preserving same, one with benzoate of soda, the other with spices and vinegar to find their relative effect in concealing inferiority, controlling with a test solution to which no preservative was added. This may appear absurd to the editor of the *Philadelphia North American*; it will not to other readers of Shakespeare.

One elementary lesson would teach the *Philadelphia North American* that decomposition is due to bacteria; that the vegetative forms and probably the spores are killed by heat in the preparation of catsup body and that the problem of the user of unfit material is not to preserve it, which may be done in a hundred ways, but to disguise the objectionable products of bacterial action. This he may do partly by prolonged boiling aided by addition of large quantities of pungent spices and vinegar, age honored preservatives, after which benzoate of soda or other preservative added to the catsup would be superfluous.

But since the *Philadelphia North American* recognized that the judgment of the scientist is absolutely true, why does it make a statement containing an innuendo in the beginning of the editorial, which it knows to be so false as to be absurd:

"But it would be worth the cost of all that advertising if the blenders of deleterious drugs with unfit material for food could obtain the sanction of their practices by a single reputable body of physicians."

When a literary man makes a misstatement of fact regarding technical matters it is very properly termed a mistake, but when he makes a statement which he knows to be contradictory to a fact so commonplace as to be absurd, that statement would be characterized by a much "shorter and uglier" word. The paper is simply attempting to support by any means Dr. Wiley and his followers, who, when they found his experiments on the deleterious effects of benzoic acid to be fallacious, jumped to the other horn of the dilemma and argued that the benzoate of soda concealed inferiority—an argument also proven to be without foundation in fact.

The American Medical Association—taking the latter argument for gospel—incorporated it in their resolution, the Pennsylvania satellite, knowing it to be false, worded their resolution in the same form but by leaving out the name of the preservative left it in connection with the rest of the resolution misleading but literally correct.

Such is the situation which the *Philadelphia North*

*American* and the political ringmasters of the American Medical Association have to meet. Obviously it can only be met as they are doing by a systematic and continuous misrepresentation added from time to time by a politically engineered resolution from a branch of the American Medical Association or other incompetent party.

#### **SAYS MEDICAL ASSOCIATION IS RUN BY POLITICAL RING.**

**Chicago Doctor Who Was Denied Permission to Read Paper at St. Louis Issues a Statement.**

St. Louis, Mo., Oct. 14.—[Special.]—Dr. G. Frank Lydston of Chicago, who was refused permission to read a paper before the Mississippi Valley Medical association here because in it he attacked Dr. George H. Simmons, an official of the association, issued a statement today, declaring the organization to be controlled by a political ring.

He said in part:

"The Mississippi Valley Medical association seems to be controlled by the same political ring that I proposed to attack in my paper. I did not expect fair play when I submitted the paper. As a last resort of despotism the executive committee refused to allow my paper to be read.

"A delegation of physicians waited on me and requested me to address them on the subject of medical despotism in America independently of the association. I consented to do so. The men who invited me to address them engaged and paid for a parlor in the Southern hotel.

"Fifteen minutes before the hour announced, my friends noted that the hall engaged was not provided with seats. On protesting to the hotel management, they were informed that they could not have the use of the room and were tendered the return of their money.

"My friends were not to be thwarted in their endeavor to secure for me a hearing and engaged a parlor at the Planters' hotel, where I delivered my address. The room was filled with doctors who wanted to learn the truth regarding the political ring and the czars who rule the Mississippi Valley Medical association and they heard it.

"I submitted proofs of the unfairness and duplicity of that crowd of self-seeking politicians which, when published, will, I hope, arouse the entire profession, or at least those members of it who do not enjoy the sensation of a foot on their necks."—"Chicago Tribune" 10-15-'09.

#### **"KIND WORDS APPRECIATED."**

THE AMERICAN FOOD JOURNAL acknowledges with thanks the numerous favorable comments on the special convention number. We take a little pride in the number ourselves and are conceited enough to believe that the number deserved the good words said about it by manufacturers and food officials, both by those with whom the JOURNAL is in accord and by those with whom we feel that it is our mission occasionally to differ on matters of policy connected with the pure food work. The large edition is not yet exhausted and we trust those interested in and to some extent affected by the influence of this convention will send at the earliest moment for such copies as they may make profitable use of.



**THE MODEL FOOD LAW.**

Professor Ladd acting in behalf of his committee, presented a model food law to the Association of State and National Food and Dairy Departments. This law has it is true several good features, some features which from the standpoint of food purity put it in advance of the national law and that of many of the states. On the other hand there are many provisions and omissions which make it less desirable than many well tried laws already on the statutes. Besides the inaccurate and indefinite provisions susceptible to various interpretations would doubtless lead to endless litigation before a complete understanding of the law was reached and it might easily meet the fate of the Pennsylvania, Missouri and South Dakota statutes and be wiped off the earth.

It will be admitted, however, that many of the defects of the law might be remedied by further study and that the so-called model law might be made to conform to the constitution of the United States and to every individual state. Yet even if this were done there are grave objections to the proposed law as a model even for states which now are without a food law and those states are not numerous. It is unquestionably desirable that there be no conflict between the National Food Law and State Food Legislation. There should in fact be the closest harmony. This harmony "The American Food Journal" hoped to bring about by the adoption of a national law which would conform and adjust itself to all state laws. In this effort we were unsuccessful; a national food law was passed—inflexible, rigid and peculiar, being essentially different from the law of any state. Once on the statute of the Government it can hardly be changed, exchanged or nullified except it should be declared by the Supreme Court to be unconstitutional. In the cause of uniformity it therefore becomes necessary for the states to model their laws as nearly as possible to the national law. We cannot greatly blame any state having a food law satisfactory to the people of the state, many or all of its provisions having been tested by the courts and not found wanting, to hesitate about exchanging it for a law which was not demanded by the people of the state and which must pass through all the vicissitudes of a new food law with a drug appendage. But, undoubtedly, essential uniformity as to definitions and labels may be reached without sacrificing all the food legislation and experience of a quarter of a century.

In states where state food control has not been settled, the national food law offers the most logical solution of the problem. Foods if properly labeled for one state or for the National Government should circulate unhampered in every state in the Union. It is as necessary to facilitate trade between producer and consumer that we have uniform labels, standards and grades of food as uniform and standard weights and measures or a definite standard of value in our monetary system. The model food law even if remodeled to make it a true ideal, would tend to confusion, discord and business chaos. State laws based on or incorporated, the essential features of the national food law will tend to uniformity, harmony and settled business conditions.

Next month, next year, next legislative session, you might rather have a copy of the September, 1909, number of THE AMERICAN FOOD JOURNAL than a new crisp ten-dollar bill.

**SUGAR IN WINE.**

The wine fight is again forging to the front. This time, however, the war is not between the wets and the dries, the personal liberty crusaders and the prohibitionists, the saloons and the pulpit, but between the eternally sun-kissed vineyards of California and the snow-capped hillsides along the shores of the Great Lakes. It seems that California and the southland generally produces a variety of grape which may be made into an acceptable wine without the addition of sugar. Ohio, Michigan and New York "Concords," on the other hand, and even the New Jersey "Delawares" and West Virginia "Scuppernongs," usually require the addition of a small percentage of sugar to make an appetizing and marketable wine. Particularly is this true in years when the season is backward and the sun fugitive.

The natural definition of wine excludes everything not contained in or derived from the juice of the grape. However, wine must be admitted to be a manufactured product. The sugar which is added to the juice of the grape is, of course, harmless, improves the flavor and nutritive value of the wine and is not added for purposes of deception or to imitate any other article.

Where will the northern people get off at? Will they be allowed to add sugar to their sour grape juice, and if so must it be proclaimed? The war is on.

**COLD STORAGE INVESTIGATIONS.**

A. D. Emmett and Prof. H. S. Grindley have finished another installment of their tests of cold storage on the chemical composition—nutritive properties and dietetic value of meats. A former investigation showed that storage of beef as conducted rather improved than damaged the dietetic properties of the meat. The present investigation covers experiments on holding cooked meats in cold storage.

The general conclusions are as follows:

That many of the differences between cooked meats from the samples which were held in cold storage for six to forty-three days, corresponded to those which were found to exist for the uncooked refrigerated samples.

That the cooked meats from the forty-three-day storage samples lost less in cooking either by boiling or roasting than did those from the six-day sample, the broths and the drippings in these cases being on the average lower in their percentage content of soluble, insoluble and total dry substance or organic extractives of soluble protein, of soluble ash, and of fat.

The cooked meats from the longer stored sample were higher in their percentage content of moisture and were therefore juicier, higher in soluble and insoluble dry substance, in nitrogenous, non-nitrogenous and total organic extractives, in fat, in total ash, and in soluble inorganic, total soluble and total phosphorus.

Further, the percentages of total nitrogen, insoluble and total protein were practically the same as were those for the samples from the six-day storage meat. Therefore the cooked meats from the forty-three-day samples, judging from the chemical composition, were at least as nutritious as were those from the samples stored for the shorter period of time.

**A TEST CASE IN RICHMOND, VA.**

A test case is on in Richmond, Va., to decide whether an inspector for a health department has the authority to destroy condemned goods. The particular seizure was three barrels of chickens and one barrel of turkeys. These were destroyed. The commission men of the city protested with the result that the inspector was defeated in the lower courts and has appealed the case to the Supreme Court of Appeals. The final judgment will be awaited with interest.



**FEW DIE AND NONE RESIGN.**

Gifford Pinchot, chief of the Bureau of Forestry at Washington, does not intend to resign. It was reported, after the controversy of his department with Secretary Ballinger, in which the latter was sustained by President Taft, that Mr. Pinchot would resign his office as a rebuke to the administration. If that was his resolution he has changed his mind, for it is announced that he has decided to continue in the public service. We are glad of this, because Mr. Pinchot has done good work. While his zeal has outrun his discretion at times and has justified Secretary Ballinger in holding him within the limitations of the law, Mr. Pinchot has done well in arousing public sentiment regarding the necessity of forest preservation.

Dr. Wiley, too, whose resignation was threatened in case he was overruled on the question of permitting the use of benzoate of soda, still hangs on to his profitable job. Dr. Wiley deserves much credit for his early efforts in favor of a pure food law, but unfortunately he permitted his head to swell to such a degree that he thought he was a bigger man than the Secretary of Agriculture or even the President of the United States. This proved to be bad for Wiley and was the cause of all his troubles. The fact that he sticks to his office at Washington indicates that he realizes that he has a good job and, like public officials generally, is willing to keep it and make the most of it.

The old adage in reference to office-holders is still justified: "Few die and none ever resign."—*Leslie's Weekly*, October 14, 1909.

**MILK SELLING AGENCY.**

A milk selling agency for Chicago has been established by the officers of the Milk Producers' Protective Association. It was named the "Milk Producers' Agency" and an office was established in the Ashland block. Members of the association hereafter will sell their milk through the agency in Chicago. The innovation means that the retail price of milk will remain at 7c a quart, according to Secretary James P. Grier of the association.

**NEW SWISS FOOD LAW.**

The new Switzerland Pure Food Law, which went into effect July 1st, provides very severe penalties for the manufacturing or selling of adulterated foodstuffs. The maximum penalty for violation of the law is a long prison term and this penalty with the well-known reputation of the Swiss republic for strictly enforcing its legislative enactments will probably stop all intentional adulteration of foodstuffs in this land of the free and home of the brave.

**BOOK REVIEW.**

A new and novel cook book has recently been published by A. C. McClurg & Co., of Chicago, Ill. It is entitled "Jane Hamilton's Recipes," by Charlotte Mason Poindexter, wife of Lieutenant F. S. Poindexter, U. S. A.

The book does not pretend to be a modern cook book in the scope covered, but as its name indicates, is a compilation of the recipes of Jane Hamilton, who lived and entertained in Virginia in pro-slavery times. At that period Virginian hospitality meant very good things to eat. The recipes number between one and two hundred on 191 pages with several blank pages for additional recipes. Price, \$1.00 net.

**RUTHERFORD IN EUROPE.**

Rutledge Rutherford who is investigating food conditions in Europe for the National Food Magazine says that Germany is inspected to death. "That the main purpose of the food laws seems to be to give employment to an army of chemists, veterinarians and lawyers, and that as a result the price of meat in Germany is extremely high and consequently this food is seldom found in the homes of the poor. In order to aid his papers propaganda he says that the Tutons are particularly opposed to benzoate of soda in meats. We were almost on the point of saying that benzoate of soda was as little used in meats in this country as in Germany when we discovered that it has been used for years and is now being used in one of our most prized and expensive sausages. But at any rate the antipathy of the Germans to benzoate of soda does not interfere with their ambition to sell us all of it we can use.

**GOVERNMENT REGULATION.**

Senator Beveridge in an address before the National Grain Dealers convention said: "If the business men do not regulate their business themselves in the sense of fairness and morality the Government will do it for them." Perhaps, but paternal government has gone after African game, and other ideas seem uppermost in our politics. Society will protect itself against imposters and low morality not by assuming any part of the business but by the old method of passing laws applicable to all alike and punishing alike those who transgress the laws.

**GROCERS AND THE PUBLIC HEALTH.**

An epidemic of infantile paralysis and other diseases in St Paul recently stirred up the health authorities of that city, and after an investigation they discovered that much of the sickness was due to the eating of dust covered vegetables and fruit, sold by peddlers and grocers. That the dealers of St. Paul realize they owe a duty to the general public has been demonstrated by their prompt action. The retail grocers' association of that city held a meeting immediately on the publication of the report of the health board, and adopted resolutions requesting the city council to pass an ordinance making it a misdemeanor punishable by fine for storekeepers and peddlers to exhibit foodstuffs without a covering.

The spirit shown by these dealers, says the *Helena Record* is one that could with profit to themselves and the communities in which they live be followed by dealers in foodstuffs everywhere. Instead of waiting to be forced to take action by the weight of public opinion, they petition the law making body to compel those who will not voluntarily do what they can to protect the public health, to do so. The wise merchant and the successful one is he who sees to it that his goods present the most inviting appearance. The dealer whose fruit is protected from the germ laden dirt that blows through the streets of every town has no fear of the competition of the peddler who hawks his uncovered goods about the streets exposed to all the filth that is blown by the winds of heaven. The peddler may sell cheaper than the cleanly dealer, but few housewives will consider the difference of a few cents where the question of cleanliness is a factor.



**GENERAL HEARING.**

October 8, 1909.

A general hearing will be held before the Board of Food and Drug Inspection on November 30, 1909, at 10 a. m., in the Board Room, Main Building, Department of Agriculture, Washington, D. C., on the use and limitations placed upon the name "New Orleans Molasses" by the terms of the Food and Drugs Act of June 30, 1906. All interested are invited to be present and to make such statements concerning this subject as they may desire. Respectfully,

H. W. WILEY,  
Chairman.

**OHIO ANNOUNCEMENT.**

September 30, 1909.

To Oyster Dealers and Others Concerned:

Your attention is hereby directed to the law covering the shipment and sale of oysters in Ohio. The law reads as follows:

"Section 3. An article shall be deemed to be adulterated within the meaning of this act:

"(b) In the case of food: (1) If any substance or substances have been mixed with it, so as to lower or depreciate or injuriously affect its quality, strength or purity; (2) if any inferior or cheaper substance or substances have been substituted wholly, or in part, for it."

The addition of ice or water to shucked oysters is an adulteration and unlawful.

Jobbers and dealers are hereby instructed not to accept from the packers shucked oysters to which ice or water has been added, and retailers are cautioned not to add ice to oysters nor dilute them with water.

The trade will be given until October 15th to adjust its business to comply with this law.

Yours very truly,  
RENICK W. DUNLAP,  
Commissioner.

**AMERICAN EXPOSITION IN GERMANY.**

As you are no doubt aware, an American exposition will be held in Berlin, Germany, from May to July, 1910. At the head of this exposition is a committee consisting of representative business men of the United States. A committee has also been formed in Berlin, whose honorary president is Prince Henry of Prussia. The conditions governing the exposition have been examined by the Bureau of Manufactures and appear to offer a great opportunity to American enterprise.

The central location of the city of Berlin, not only as the capital of the German empire, but also with respect to a great part of northern, central and eastern Europe, assures a rare opportunity for showing American products abroad and for promoting the export trade of the United States. As the exposition is to be confined strictly to American products, it becomes a matter of national interest to have the exhibits thoroughly comprehensive and of exceptional merit, so that the exposition may serve to strengthen the prestige of American industries abroad. In view of the foregoing, I desire to bring this exposition to your particular attention.

The committee, 50 Church street, New York, is no doubt prepared to answer all inquiries, but Mr. John M. Carson, Chief of the Bureau of Manufactures, will be glad to give further information whenever it is within his power. Very respectfully,

CHAS. NAGEL,  
Secretary.

**ANNOUNCEMENT OF NATIONAL DAIRY SHOW.**

The National Dairy Show is on in Milwaukee, Wis. The exhibit will be held until October 24th. The National Butter Makers' Association holds a convention at the same time and place. President Taft opened the show by pressing a button in the far West, setting the machinery in motion. President Taft also sent a telegraphed message to the dairy farmers.

The judges of awards in the cattle competition are as follows:

Ayrshires—Harry Hayward, Delaware.  
Brown Swiss—T. H. Inman, Wisconsin.  
Dutch Belted—Harry Hayward, Delaware.  
Holsteins—W. J. Gillett, Wisconsin.  
Jerseys—C. T. Graves, Missouri.

The railroads are offering reduced rates for this show. The Grand Trunk Association announces a rate of one and one-half first-class fare for the round trip. The Western Passenger Association also offers one and one-half fare tickets for all distances in which the fare amounts to more than three dollars.

Special trains and excursion parties are being run from St. Paul, Chicago, and other points.

**A NEW SYSTEM OF JUDGING DAIRY COWS AT THE NATIONAL DAIRY SHOW.**

It has been said that the great trusts and railway combinations would not be possible were it not for the modern systems of bookkeeping, which show actual cost of every detail of production. Competition has made this necessary. The same economic laws are at work in the farming business. The study of costs has begun. Dairymen must find out what their cows produce. All the great cattle registry associations now recognize yearly records of performance as a vital factor in improving their respective breeds, and now the National Dairy Show Association announces that it will give recognition to this class by offering a premium for cows which have completed a year's record under the supervision of a state agricultural experiment station or college.

It is proposed that 100 points be allowed for conformation, as ordinarily judged in the show ring; that to this shall be added one point for each 20 lbs. of fat produced more than the minimum of 250 lbs. for the cow that is two years' old when her test begins, the minimum requirements to be increased one-tenth of a pound for each day the cow is over two years old, which would make a minimum requirement of 360 lbs. at five years of age. Thus, the cow that has produced 560 lbs. would have an excess of 200 lbs. above the minimum requirement of 360, which would give a credit of ten points to be added to her allowance on conformation. The cow with the highest total score to be awarded the first place.

While the system may need improvement and correction, the making of this class is a recognition of the importance of yearly records of performance and cannot but be an added interest to the careful student of breeding problems. Breeders in attendance when this class judged will watch with no little interest to see how far great performance accompanies desirable conformation. As yet investigation has not been conducted to determine accurately the relation of form to function by the taking of careful measurements. The accumulation of authentic records in increasing numbers is the first step and is going to afford data for study of this kind. The National Dairy Show is ren-



dering a service in thus stimulating an added interest in the subject.

#### JERSEY CALVES AS PREMIUMS.

President Colon C. Lillie, of the National Dairy Show, to be held in Milwaukee, October 14th to 24th, announces that he will give a Jersey bull calf to the creamery patron who sends in the best sample of milk, and a Jersey heifer calf to the hand separator cream patron who sends in the best sample of hand separator cream. Samples to be taken by the regular man who receives the milk and cream at the creamery, the amount of milk or cream delivered to be up to the usual amount. Applications for entry blank should be mailed to the National Dairy Show Association, Room 148, Plankinton House, Milwaukee, immediately. State name of creamery and express office.

#### THE MEAT PACKERS' CONVENTION.

The American Meat Packers' Association meets in fourth annual convention at the new La Salle Hotel, Chicago, Monday, Tuesday and Wednesday, October 18th, 19th and 20th. The attendance promises to be a record breaker. The Cincinnati delegation, headed by the famous Schnapps band, will come to Chicago in a special train. Special Pullmans will arrive from Philadelphia, St. Louis, New York, Pittsburg and Buffalo. The banquet committee under Oscar Mayer have planned a German dinner, which will be the best and biggest dinner yet given, which is saying a whole lot.

The other entertainment features will be on a par with the dinner. The sub-committees are as follows:

General Undertaker—Robert H. Hunter.

Vaudeville—John Roberts, A. N. Benn, Chas. B. Cone, W. B. Davies, F. K. Highee, E. B. Merritt, A. D. White.

Sub-committee on Wednesday's entertainments: Geo. W. Williams, chairman; James S. Agar, F. R. Burrows, L. M. Byles, P. J. Hamler, D. C. Robertson, Geo. J. Sayer, Jos. Simpson, Chas. A. Murphy, C. F. Welhene.

#### COMMISSIONER WALLIS ACTIVE.

On the urgent request of the city council of Twin Falls, Idaho, State Pure Food Commissioner James H. Wallis is making an official inspection of the slaughter houses and dairies in Twin Falls with the result that every slaughter house is closed and over a thousand dollars' worth of meat found at those places when inspected has been destroyed. The proprietors take their losses in good part and admit they are alone to blame, while the whole community is applauding the fearless work of Commissioner Wallis. Two of the slaughter houses will be at once replaced with modern sanitary buildings and a large force of men is at work on the other two in order that they may comply with the state regulations.

Commissioner Wallis also condemned at the Twin Falls creamery 1,200 lbs. of cream and at other places ice cream, lard and sausage, all of which was destroyed.

The city council of Mobile, Ala., has made provision to inspect the meat and milk supply as well as weights and measures.

#### TAXING WILLING TAXPAYERS.

Naturally enough, the taxpayer has no particular relish for taxation. Many taxes are oppressive; some of them odious. Of this latter variety are taxes not laid for the use of the government, but for the emolument of favored interests. The French government is now considering the imposition of a tax which is hailed as a beneficence by the particular persons who will be called upon to pay it. It comes about in this way: As is very well known in this country, where for many years past there have been very considerable importations of French wines and brandies, there is great risk of adulteration. The labels on the bottles and barrels furnish no certain assurance of the quality of the liquid contents. In order to put a stop to this species of fraud a bill has been introduced in France punishing offenders and making it a duty of the state itself to do the labeling. The stamp of the state will be affixed to every package sold at the place of production. Bordeaux will be Bordeaux; Burgundy, Burgundy; Champagne, Champagne, and Cognac, Cognac. The state will reimburse itself for necessary outlay by the imposition of a penny stamp tax—the stamp on the package carrying with it the government pledge of genuineness. The wine-growers are delighted with the proposition, which on the 140,000,000 bottles sold per year will involve the payment to the government of over \$2,500,000.

There is a hint in this proposed French experiment for our own federal legislators, who are now on the keen scent for new sources of revenue. The government is seriously engaged in the effort to secure the purity of many food products of common consumption. Why not take the pains to assure such purity and put the guarantee on the package in the form of a government stamp? As an English contemporary well observes: "From the health point of view, obviously the first necessity is to know exactly what we consume, and there is no reason why a system of stamps should not be applied to a great variety of alimentary substances as testimony to their origin and wholesomeness, and, at least in regard to articles of luxury, as a means of raising revenue."

Honest dealers and producers, like the wine-growers of France, would be well pleased to pay tribute to the government for delivery from dishonest and fraudulent competition. Consumers would have reason to be equally rejoiced. There should also be joy unconfined among statesmen and economists in the discovery of a tax that even the ultimate taxpayer would welcome as a benefit.—*Philadelphia, Pa., Record.*

#### THE NEGLECTED PURE FOOD LAW.

A sudden spurt of energy by the State Board of Health was the arrest of some forty keepers of small hotels at Atlantic City for serving oleomargarine instead of butter on their tables. The arrests were, however, made only at the instigation of the Butter Protective Association of the National Grange and by the aid of a special agent of the Pennsylvania Dairy and Food Department. If forty hotelkeepers have been serving oleomargarine for butter it is proof presumptive that hundreds of other hotel and boarding house and restaurant keepers have been and are doing the same thing. The enforcement of the pure food law is an official farce. There is practically no enforcement.—*Newark, N. J., News.*



**THE LAWS AND THEIR ENFORCEMENT.**

The imperfections of the human family are responsible for the existence of policemen, prisons and penitentiaries. The inability of certain men and women to refrain from the desire to violate law makes law a necessity. The duty which devolves upon the state of protecting the peaceably disposed and law-abiding citizen in the enjoyment of his privileges as a citizen compels it to enact certain laws and to appoint certain officers whose duty it is to see that the laws are enforced. The officers do not make the laws. Some of those laws they may not like. But so long as they are in the service of the state it is their bounden duty to protect the innocent and to endeavor to stop the career of the violator of law. The community has a perfect right to complain about any officer who deliberately shuts his eyes to infractions of the statutes. But its criticisms should be made with judgment and based upon knowledge.

The Legislature of Pennsylvania has from time to time enacted various measures for the protection of the consumer of food stuffs. It has endeavored to prevent the sale of impure milk. It declares that the sale of counterfeit butter is unlawful. It forbids the sale of poisonous acids under the name of vinegar. It seeks to prevent the adulteration of the non-alcoholic beverages consumed by the people in great quantities, especially during the summer months. It wishes to protect the consumer from impure lard or meats which do not come up to the proper standard of purity. At the recent session a new pure food act was passed by both houses and approved by the Governor. Its aim is the protection of the families of the state from adulterated or fraudulent goods.

Copies of the food laws of this state are easily procured. They should be in the hands of the manufacturers, the distributors and the retailers who in any way desire to serve the people of Pennsylvania. It is made the duty of the Dairy and Food Bureau to enforce all these laws. It will aim to do so. For months a special and uninterrupted effort has been made to inform all with whom the law has to do of its provisions and their duty. This has not been necessary, for ignorance is never regarded as an excuse for violating law. But the dairy and food office is anxious to see the law obeyed voluntarily by the largest number of persons and has sent out line upon line by the way of information. For that reason it feels that all who are caught in the meshes of the law hereafter will have themselves to blame. Those who will not heed must be brought to terms in some other and harsher way.

Some manufacturers or dealers are simply careless. They have no desire to disregard the laws. They are good citizens in most of the relations of life. It would be wrong to class them among criminals. We all know how many and great are their virtues. Yet even such excellent persons cannot be permitted to go on blindly disregarding the acts of assembly. Technically they have no advantage over the person who is an intentional violator of the acts relating to the preparation and distribution of food products. If they were to be arrested and placed on trial the essential facts toward proving the state's contention would be established; that would be an end of the matter. This Bulletin wishes to say very earnestly to such persons that they have no right to treat the laws of the Commonwealth carelessly or with indifference. The purity of their intentions will not count for much in a court of justice. It is a shame that good men, men of established reputation, should permit themselves to be put in the attitude

of lawbreakers. But when they decline to heed warning after warning, who must they blame if the law lays its heavy hand on them?

Regretfully we admit that the state contains some manufacturers and dealers who cannot be placed in the class of the carelessly good. They are avaricious. They are fond of large profits. They know that adulterated goods bring more profit than the pure article. And so they deliberately take the chances. They go into the business of making adulterated foodstuffs or of buying them because they expect to be able to cheat both the state and the consumer. Some of them have been engaged in this nefarious and dangerous business for years. They have been arrested more than once and found guilty. But they seem to be the victims of a mania for law-breaking. They never learn wisdom. Like the professional burglar or the chronic forger, they are obsessed. For such as these there is no remedy except continual arrest and punishment. And even this is no permanent cure. They are quite as bad as the foolish moth which persists in flying directly into the flame.

Because of the chronic criminal and because he cannot be locked up for life there will be violations of law every year. There will be arrests and convictions. But the great mass of manufacturers and venders will obey the laws, as other good citizens do and there will be continued progress in the right direction.—*Pennsylvania Bulletin*.

**WE ARE GETTING BETTER FOOD.**

The cook in the kitchen really knows more of what pure food legislation has done than anybody else. For some of the revelations brought about reveal former conditions in such a light that no one cares to talk about them. We had sunk to low estate in the food line.

But the labels are now telling the truth, which is virtually all the pure food legislation exacts, and it is a pleasing reflection to think that when the truth of a ware or article must be told the quality is improved, must be improved to make it salable.

The cook who reads the labels, and all cooks do, is discovering many things. The pure maple syrup, devoured by Wichitans in other days as the real thing, today announces itself on the labels as sorghum touched up with maple sugar, and as it has been exposed as a fraud, it is made better than before to overcome the natural sentiment against it. It is today a fairly good syrup, is just what it purports to be, and is better than when it was masquerading as something else. The canned vegetables, which formerly woke the echoes as "absolutely pure," now acknowledge the presence of some preservative, and as this announcement causes a suspicion, care is taken to use as little preservatives as possible and to improve the article itself. Pepper and the spices have improved to an incredible extent. Pure buckwheat flour acknowledges that it has a good deal of corn in it and claims to be more digestible on that account, as no doubt it is. Oleomargarine is traveling under its own colors and is a better article because it is not marching across the palate as country butter.

It is true that the ordinary citizen does not wander into the kitchen and peruse the labels. He doesn't know what he is eating any more than he did before the pure food legislation was passed. But his cook does. And that is something. In fact it is a great deal.—*Wichita, Kan., Eagle*.



### WILSON PROMISES AID TO DR. H. P. JONES, FOOD COMMISSIONER OF LOUISIANA.

Dr. Hamilton P. Jones, State Food Commissioner, returned to the city yesterday morning, after an extended tour of cities where he investigated the enforcement of pure food and drug laws and other matters concerning the public health. After the adjournment of the Denver pure food convention, Dr. Jones remained to study conditions in Colorado and then went to Chicago, Philadelphia, New York, Albany, Washington and other points, continuing his investigations.

In addition to gathering information as to how pure food laws were being enforced to compare with Louisiana, Dr. Jones investigated the method of gathering vital statistics, controlling midwives and the water supplies of several cities. In Denver, Chicago, Albany and Philadelphia he found that in making connections between the water mains and premises not less than five feet of lead pipe is used which is not tin lined. No lead poisoning has been found to result at any of the places investigated, and Dr. Jones is of the opinion that it is perfectly safe to use lead for such connections.

While in Philadelphia Dr. Jones placed an order for 500 packages of nitrate of silver solution, which are to be distributed by the State Board of Health to physicians and midwives for the purpose of preventing ophthalmia neonatorum or gonorrhoea naphthemia. These packages will contain the solution in convenient form to be used by physicians or midwives. A few drops of the solution will prevent this dreaded eye disease, it is claimed.

While in Washington Dr. Jones was the recipient of courtesies from Secretary Wilson and was assured by the Secretary and also by Solicitor McCabe of the department that whatever the department could do for Louisiana would be done.

Dr. Jones found that in some other States the collection of vital statistics was much more successful than in Louisiana. As to regulation of midwives he did not find any regulations better than those in force in Louisiana. The president of the Board of Health of Philadelphia, however, outlined a law which he proposed to have passed by the Legislature which would be an admirable method of regulating the practice of midwifery.

In conducting the Pure Food Department Dr. Jones will adopt the method found in use in other places of requiring inspectors to report daily. As a result of the Denver convention and other meetings the enforcement of pure food and drug laws throughout the States, and particularly of the thirty-five States represented, is becoming more uniform and in conformity with the national laws so that laws applying in one State may almost be regarded as governing in all.

As to benzoate of soda as a preservative, Dr. Jones said that he had never considered it deleterious to health when properly used, but to be on the safe side he had recommended to the State Board of Health that its restriction be adopted in some forty-five special substances.

Dr. Jones made note of the amounts expended by other States for their pure food departments. In Denver, which is organized on lines similar to those in effect in Louisiana, \$15,200 per year is fair for salaries. The State Food Commissioner gets \$2,500, five inspectors get \$1,200 each, the dairy commissioner gets \$1,200 and his deputy \$1,000 and the State chemist \$2,000. All

finer collected go into the State treasury to afterwards recur to the Board of Health. Pennsylvania has one commissioner at \$2,500, an assistant at \$2,400, twenty inspectors at \$1,200 each, and eight chemists at \$8,000 each and attorneys costing \$9,500.

In New York analyses are made by commercial chemists who are paid for the work at so much for each analysis.

Illinois is the only State visited by Dr. Jones which has its pure food department entirely separate from any other organization. The food commissioner there receives \$3,500, assistants \$2,400 and chief chemists receive \$3,000. The department handles only food products. He found that the department of which he is the head in Louisiana had more work cut out for it than that of any other similar department in other States, as it embraced more branches in its scope. Pure food matters are regulated in New York by the Department of Agriculture with an annual expense of about \$750,000.

Dr. Jones will resume his duties as State Food Commissioner at the office of the State Board of Health today.—New Orleans Piccane, Oct. 10th.

### POWDERED MILK COMPANY EMBARRASSED.

The Michigan Milk and Food Products company, owning factories at Elsie, Ovid, Shephardsville and other places is temporarily embarrassed and did not settle with farmers at the pay day last Saturday. The company is capitalized at \$150,000, about \$40,000 being paid in. Of this amount nearly all has been expended in buildings. More capital seems to be necessary to carry on the business. Some suits have been begun for small amounts, the largest about \$400.

The trouble seems to be that when the company organized a gentleman from New York named Mick had a patent process for making powdered milk and eggs. It looked as if he had a successful method, and an expensive plant was built, he was given authority to go ahead and put in machinery and demonstrate what he could do. After nine months' trial and the purchasing of expensive machinery the company gave it up. His process did not work out satisfactorily in that time. In the meantime farmers were selling milk to the concern, which was made up into butter and cheese and sold at a fair profit, but the receipts absorbed and a large amount of money in addition was put up by Z. T. Tinker of St. Louis, who subscribed for half of the capital stock, to keep things going.

Mr. H. E. Walbridge, who is looking after the interests of the company says if creditors will be patient he believes it will work out so that all will be paid in full. If a crash is precipitated litigation and sacrifice of values will result.—St. Johns Republican.

### ACTS FOR POLAR DECISION.

The National Geographic Society, in response to a proposal from the Peary Arctic Club, today (Oct., 14) adopted a resolution agreeing to join the American Geographic Society and the American Museum of Natural History in requesting Dr. Ora Remsen, president of the National Academy of Sciences, to appoint a commission to examine and report on the arctic records, observations and data of Commander Robert E. Peary and Dr. Frederick A. Cook.—Washington Dispatch.

Later Dr. Remsen has consented to appoint such a commission.—Ed.



**NEW YORK CITY WANTS PURE MILK**

Dr. Walter Bensel, sanitary superintendent of the Board of Health, appeared before the Board of Estimate and Apportionment and applied for an allowance of \$3,623,289 as against \$2,563,444.25 allowed last year—\$709,123.75 of the increase being for salaries and \$350,721 for supplies. More than one-half of the increase, Dr. Bensel said, was made necessary by reason of the warfare against tuberculosis and the inspection of milk.

Questioned by Mayor McClellan, Dr. Bensel said that since the reorganization of the department the number of deaths from many causes had been reduced from 95 to 75 per cent. The decrease in the number of deaths from tuberculosis has been 40 per cent, and ought to be more, he said.

"Does any other city show a better record as regards tuberculosis?" asked the Mayor.

"None," was the reply, "but we should have a sufficient force to keep track of tuberculosis and disinfect."

"Why does not the state examine dairies?" asked President McGowan.

"The state, apparently, cares nothing about us," replied Dr. Bensel. "Its employes do not examine any of the milk coming to New York."

Mayor McClellan made a sarcastic allusion to the Bureau of Municipal Research.

"An exhibit is now being shown by the Bureau of Municipal Research," he said, "that organization being thinly disguised under another name for partisan purposes. Is it true that women and children are dying like flies under the present administration of the department?"

"It is not true."

"Then it is a campaign lie."

"How much of New York's milk comes from out of the state?" asked Mr. McGowan.

"Most of it."

"How much of that is inspected by the United States under the Hepburn pure food law?"

"Practically none," was Dr. Bensel's answer. "New York City owes its protection to the city's health board practically alone."

"The great difficulty," said the Mayor, "is that our worthy critics of the Bureau of Municipal Research, who last year approved the very budget that they are now condemning, tell us we must decrease the death rate and improve the condition of the poor as we are doing, and at the same time must spend less money. We must eat the pie and yet continue to have it."

**ADULTERATED CATTLE FOOD.**

The American Milling Co. of South Bartonville, Ill., is charged with selling adulterated cattle food under the U. S. Food and Drugs Act.

The company claims that its product is made of seed meal, wheat, corn, oats and molasses.

Instead of the pure food materials named on the labels of the product it is charged that the American Milling Company has been using weed seeds, chaff and other injurious, cheap and inferior ingredients and that it has misrepresented the real food value of its brand of dairy feed.

The dairy feed is designed as a pure, healthful and fattening feed for all cattle and hogs. The penalty for the violation of the food and drugs act is a heavy one, and the evidence in the present case is said to be based on analysis and other competent evidence.

**DR. ABBOTT LOSES BOTH PURE FOOD CASES AT FT. WORTH, TEXAS.**

Two of the pure food cases filed here have been tried in Justice Maben's court, but no conviction has been secured. In one the jury failed to agree. In the other the verdict was not guilty.

The first case tried was against Oliver T. Maxwell, alleged to have sold drugs that were not properly labeled, and in this case the jury could not agree.

Saturday morning C. C. Cunningham, a meat dealer, was put on trial on a charge of offering for sale a chicken that was unfit for food. The jury returned a verdict of not guilty.

Both cases were prosecuted by State Pure Food Officer J. S. Abbott, and witnesses for the prosecution were Inspectors Hoffman and Browder.

Four other pure food cases remain to be tried, but the date for the trials has not been fixed.—*Fort Worth Star*.

**BORIC ACID IN CHEESE; FINED.**

Charged with having sold cheese which contained a small percentage of boric acid in violation of the pure food laws of the state, Joseph Schoenbucher, Adolph Dernehl and Charles Champeny were each fined \$25 and costs recently. The defense was that as the dealers bought the goods from jobbers, they acted only as middlemen and should not be held responsible.—*Milwaukee Free Press*.

**UPHOLD PURE FOOD WINE RULING.**

An important meeting of the wine growers and manufacturers of the Lake Erie grape belt, extending from Toledo to the Hudson river, was held at the fair grounds, Sandusky, Ohio, last month.

The principal speaker was Prof. W. B. Allwood, former head of the United States agricultural experiment station at Wooster, but now in charge of the branch of the government enological laboratory here. The wine growers adopted resolutions sustaining the pure food commission's recent ruling defining wine. The vote was close.

**SECURE THE VINEGAR.**

The furnishing of a \$1,000 bond by the Heinrath Brokerage Company of this city secured the release of about 4,000 gallons of vinegar held under the pure food laws as not being pure cider vinegar, as it was labeled. Judge Pollock decided to release the vinegar on the furnishing of the bond by the company not to sell the vinegar in violation of the pure food law. It was seized about three months ago by State Food Inspector John A. Kleinhaus.—*Wichita, Kan., Eagle*.

**SAYS LIPTON BREAKS THE LAW.**

The Minnesota State Food and Dairy Commission is making a strong crusade against the use of coal tar dyes. Thomas J. Lipton is the point of attack, and the commission declares it has Sir Thomas on fifty different counts for selling jelly tablets in which coal tar dyes are used contrary to the state law.—*Tea and Coffee Trade Journal*.



**TABULAR COMPARISON OF THE EXPERIMENTS OF THE REFEREE BOARD  
OF CONSULTING EXPERTS AND DR. H. W. WILEY AS COMPILED  
BY ONE OF THE DENVER DAILY PAPERS AT THE TIME OF THE  
1909 CONVENTION OF THE ASSOCIATION OF STATE  
AND NATIONAL FOOD AND DAIRY DEPARTMENTS.**

REFEREE BOARD. 3 separate and independent sets of experiments.	DR. WILEY. 1 set of experiments.	REFEREE BOARD.	DR. WILEY.
No. of Subjects. Dr. Chittenden..... 6 Dr. Long..... 6 Dr. Herter..... 4 Total .....16	No. of Subjects. 12	Dr. Herter— (1) Fore period.....14 days (2) Low benzoate pe- riod .....56-60 days (3) High benzoate...30 days (4) After period....14 days In (2) daily dose for 2 subjects 0.3 grams and for the other two 0.45 grams. In (3) daily dose 0.6 to 6. grams. Each subject in Dr. Chit- tenden's squad took during low preservative period a to- tal of 18.6 grams of sodium benzoate and during the high benzoate period a total of 53.2 grams, or a total of 71.8 grams in both preservative periods. The six subjects in Dr. Long's squad each took a total of 44.4 grams of so- dium benzoate. In this con- nection the additional fact must be remembered that two members of Dr. Long's squad took in addition (immediate- ly after the high preserva- tive period) increasing daily amounts from 5.0 up to 10 grams of sodium benzoate. The total ingested by these two men is not given. Each of Dr. Herter's 4 subjects ingested during the preservative period total of over 72 grams of sodium benzoate.	Of the 12 subjects experi- mented on, six were given benzoic acid, and six so- dium benzoate. The follow- ing are the total amounts of benzoic acid ingested during the preservative period by the six men: 1—35.0 grams. 2—25.0 grams. 3—13.5 grams. 4—35.0 grams. 5—23.5 grams. 6—22.5 grams. The other six took the fol- lowing total of sodium ben- zoate: 1—34.1 grams. 2—41.2 grams. 3—26.4 grams. 4—24.1 grams. 5—29.4 grams. 6—26.4 grams. The plan pursued was to give daily for the 1st sub- preservative sub-period of 5 days 1.0 gram, and for each of the three succeeding sub- period (each of 5 days) re- spectively 1.5, 2.0, and 2.5 grams of benzoic acid or its equivalent of benzoate of soda.
Dr. Chittenden— In solution and mixed with the food, given with each of 3 meals daily. Dr. Long— In solution and mixed with food given with each of 3 meals daily. Dr. Herter—	<i>Method of Administration.</i> In capsules.		
Dr. Chittenden— Fore period 14 days. <i>Preservative Period.</i> 62 days with daily dose of .0.3 gram. This followed by 10 days "after period" and no ben- zoate given. Then followed another pre- servative period of 4 weeks as follows: 1 week daily dose..0.6 grams 1 week daily dose..1.0 grams 1 week daily dose..2.0 grams 1 week daily dose..4.0 grams Followed by another "after period" of 10 days in which no benzoate was given.	<i>Duration of Experiments.</i> Fore period 7 days. <i>Preservative Period.</i> 20 days. After period 10 days. A description of a supple- mentary study is given (p. 1049, Bull. 84, part IV) on 6 subjects with Fore period 5 days. Preservative period 10 days. After period 14 days. During the preservative period in the supplementary study a total of 14.75 grams of benzoate of soda was in- gested by 3 subjects and the other three ingested an equivalent of benzoic acid (12.5). The clinical data of this supplemental study is not given in detail, but only such as refers to the 12 sub- jects.	Estimations made. Dr. Chittenden— 1. Percentages of sodium benzoate in the total day's food. 2. Daily average intake of nitrogen. 3. Estimated fuel value of the daily food. 4. Clinical observations. 5. Effect on body weight. 6. Effect on the blood. 7. Effect on the feces. 8. Influence on digestion and utilization of pro- tein food. 9. Influence on digestion and utilization of fat. 10. Influence on digestion as measured by the Schmidt method. 11. Influence on the intesti- nal flora. 12. Fermentation tests with the feces. 13. Sediments in bouillon and in the dextrose—bouil- lon fermentation tubes, inoculated with feces. 14. Influence on the putre- faction products in the feces. 15. Effect on the urine: (a) Effect on volume and specific gravity.	Estimations made. 1. Excretion of benzoic acid and hippuric acid in the urine. 2. Medical and clinical notes on the 12 subjects. 3. Effect on body weight. 4. Ratio of food weight to body weight. 5. Weight and water con- tent feces. 6. Urine. (a) Volume. (b) Specific gravity. (c) Total solids. 7. Ratio of sulphur, sul- phates and phosphates to nitrogen excreted in the urine. 8. Ratio of performed sul- phates to ethereal sul- phates and neutral sul- phur in urine. 9. Microscopical examina- tion of urine. 10. Microscopical examina- tion of the blood. 11. Metabolic processes. (a) Nitrogen balance. (b) Phosphoric acid bal- ance.
Dr. Long— Fore period 24 days. <i>Preservative Period.</i> 60 days each subject re- ceived 0.3 grams. (At no time did the subjects know when the administration be- gan or ended or in what food given.) Followed by 14 days daily dose.0.6 grams 18 days daily dose.1.0 grams After period 7 days. No benzoate. Subjects under general observation from Oct 31, the end of the after period, till Jan. 10, 1909. After this, two men of the squad for one week more, taking daily increasing doses from 5 grams up to 10 grams. A third man (not previously in the squad) for this week took doses begin- ning with 5 grams daily and ending with 7.5 grams.			



REFEREE BOARD.	DR. WILEY.	REFEREE BOARD.	DR. WILEY.
(b) Effect on total nitrogen.	(c) Sulphur balance.	The preservative produced no untoward symptoms as described by Dr. Wiley.	The preservative produced symptoms of malaise and discomfort. The most common symptom nausea and headache. This occurred in most of the subjects.
(c) Effect on urea nitrogen.	(d) Fat balance.		
(d) Effect on ammonia nitrogen.	(e) Calories balance.		
(e) Effect on purine nitrogen.	(f) Solids balance.		
(f) Effect on uric acid nitrogen.		No general loss in weight. On the contrary the subjects as a whole held their weight, and a number increased in weight.	A general loss in weight of the members of the squad.
(g) Effect on creatinine nitrogen.		The main general conclusions reached by the referee board are:	Dr. Wiley's conclusions:
(h) Effect on hippuric acid nitrogen.		1. Sodium benzoate in small doses (under 0.5 gram per day) mixed with the food is without deleterious or poisonous action and is not injurious to health.	1. Benzoic acid and benzoate of soda are highly objectionable and produce a very serious disturbance of the metabolic function, attended with injury to digestion and health.
(i) Effect on the distribution of nitrogen.		2. Sodium benzoate in large doses (up to 4 grams per day) mixed with the food has not been found to exert any deleterious effect on the general health, nor to act as a poison in the general acceptance of the term. In some directions there were slight modifications in certain physiological processes, the exact significance of which modifications is not known.	2. These injurious effects are evident in the medical and clinical data which show grave disturbances of digestion attended by phenomena which are clearly indicative of irritation, nausea, headache and in a few cases, vomiting.
(j) Effect on total sulphur.		3. The admixture of sodium benzoate with food in small or large doses has not been found to injuriously affect or impair the quality or nutritive value of such food.	3. The production of the loss of weight in the subjects in cases of this kind must be regarded as indicative of injurious effects.
(k) Effect on inorganic sulphur.			4. The influence of benzoic acid and benzoate of soda on metabolism was never of a character indicative of a favorable change therein.
(l) Effect on ethereal sulphur.			5. The injurious effects are produced more rapidly in the case of benzoic acid than they are in the case of benzoate of soda, but the harmful effect produced in the end is practically the same in both cases.
(m) Effect on neutral sulphur.			
(n) Effect on the distribution of sulphur.			
(o) Ratio of sulphur to nitrogen.			
(p) Effect on phosphate-phosphorus.			
(q) Ratio of phosphorus to nitrogen.			
(r) Effect on indican.			
(s) Effect on sodium chloride.			
(t) Effect on total acidity.			
(u) Effect on phenal and aromatic oxy-acids of the urine.			
(v) Effect on the hippuric acid of the urine.			
16. Effect on the nitrogen balance.			
The examinations made by Dr. Long and Dr. Herter were practically along the same lines, as indicated above for Dr. Chittenden.			

### WHAT WHISKEY IS.

A solemn British commission, appointed by the crown to do the job, has spent much time in investigating the subject of whiskey; and while Pure Food Wiley has been raising a cock-a-hoop clamor and dancing around like a pea in a skillet, setting everybody by the ears and denouncing one jag juice as poison and pronouncing another nectar of the gods, the British commission has done its work thoroughly and soberly and has evolved a definition of the stuff that cheers and makes men cheer. Here it is: "Whiskey is a spirit obtained by distillation from a mash of cereal grains saccharified by the diastase of malt." Clear and simple. Proceeding further, the wise old guys define and differentiate Irish and Scotch by alleging that Irish whiskey is whiskey made in Ireland and Scotch whiskey is whiskey made in Scotland. Hereafter when you drink Irish or Scotch, or both, if you have contracted such a pernicious habit, you will know what you are drinking, even if your Irish is made up in Green Island and your Scotch is distilled by Walter Duffy in Rochester, N. Y.; and you will know it on the solemn assurance of a duly constituted and as highly respected a body of experts and connoisseurs as Great Britain contains. Whether our whisky experts, from the average district attorney to the supreme court, will accept the British definition we cannot say; we trust so, at

least, as far as the alien tipples are concerned; and presumably the judgment on our domestic rye and bourbon will be made upon parallel and analogous lines.

Dr. Wiley is in a frame of mind; he is not inclined to accept definitions, foreign or domestic, antagonistic to his own; he is very irritable, pragmatic and obstreperous; we feel very deeply about him; his pathological condition is alarming; and while his mental disturbance is pathetic, we feel that his physical condition may yield to treatment. His nerves are shattered; he possibly has takeld too much; and the symptoms observable in his case appear to be due to an interference of the Eustachian tubes, inflammation by continuity from nearby infections, mechanical irritation by pressure and traction on the stylopharyngeus, palatopharyngeus and constrictors of the pharynx, and reflex irritation from a highly sensitized area. This alarming condition may wear off if he takes up a strict course of gargling in the early future in any of the fluids he endorses or condemns; which should be supplemented by retirement to the tall pines during the treatment, reinforced by that silence which has been termed by a poet the poultice which heals the wounds of sound.

The pathetic thing about the British dictum is the collapsed state in which it leaves those stirring aids to



delirium tremens which are distilled from potatoes, beets, skunk cabbage and other tubers and vegetable growths; they have now become alcoholic Ishmaelites, fit only to be categorized with vodki, gasoline, wood alcohol and the liquid nitro-glycerine of Maine and other arid districts.

However, it is a comfort after all these years of disputation, rag-chewing, yelling, vociferating, epithetizing and other forms of oratory and verbal assault and battery, to know where we are at; there is a certain satisfaction in knowing that if we acquire a pair of tangled legs, a misty perspective and a muddled eloquence, that we are doing it in an orderly and authoritative manner and by means and methods strictly parliamentary. Now we know what whisky is; later on we may learn to recognize it when we meet it; and we trust our esteemed and excitable friend, Dr. Wiley, when he reaches that stage of chemical progress, will learn to let it alone. He has got into an everlasting lot of trouble by not letting whisky alone.

Our thanks are due to the sober and solemn British commission which has defined whisky for good and all; it is now tied down and settled for life.—Albany (N. Y.) Times Union, Oct. 11th, 1909.

#### MAY NOT CONDEMN USE OF BENZOATE.

The Board of Trustees of the American Institute of Homeopathy has taken action looking to the recommendation that the institute at its next Fall meeting recede from its position taken last year in condemnation of the use of benzoate of soda. At the meeting last year in Detroit the institute, under the impression that benzoate of soda was used for palming off bad food after decomposition had set in, voted to sustain Dr. Harvey W. Wiley, Chief of the Bureau

of Chemistry, by condemning utterly the use of the drug in foodstuffs.

Since that time the trustees have instituted investigations of their own, with the result that they are now convinced that benzoate of soda at worst is used for embalming food still in a wholesome state, and not for disguising such deterioration as may already have occurred. The institute's trustees have adopted a resolution suggesting that the case be reopened.—American Grocer.

WILLIS BALDWIN

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# There Is

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## Report of Proceedings of the Thirteenth Annual Convention of the Association of State and National Food and Dairy Departments. at Brown Palace Hotel, Denver, Colorado, August 24-27 inclusive.

### **SODA FOUNTAIN SYRUPS AND CRUSHED FRUITS WITHOUT PRESERVATIVE.**

**BY W. P. ANDERSON.**

I want to take this opportunity first of thanking you for the great courtesy with which I have always been treated by the members of this convention, both individually and collectively. I assure you that it is appreciated and reciprocated by my firm and other firms as well. I want to say to you that I do not come here in any spirit of controversy; I come here to learn and to be instructed. I have not any formal paper to present to you. I had thought when I came that I would give you the results of some of the experiments which my firm has been making, but that ground has already been thoroughly covered by the paper which Dr. Barnard has presented to you and it might be sufficient perhaps for me to say that the experiments which we have made conform in every way to those made by Dr. Barnard. There is no doubt that the preservative question has been, both sides of it, considerably exaggerated and I hope and I trust the time is coming when there will be more unanimity on the subject. I believe we are coming to that. Josh Billings once said that "truth crushed to earth will rise again but eggs won't," and that is only another way of saying that the truth is bound to prevail and that no question is ever settled until it is settled right, and I think before we get through with the preservative question that it will be settled right and it will be satisfactory to everybody.

The firm with which I am associated formerly and always to some extent have used benzoate of soda in their products. We believed it was not injurious, or at least unobjectionable and there were many reasons why we thought we had a double argument. We have never attempted to put in but the very best fruits in the manufacture of our products, but these goods are subject to such extreme dilution before they are served to the consumer was one reason we thought we

had a double argument. There seemed to be so much prejudice and difference of opinion on the subject that we always said that if we could get along without the use of preservative we would try to do so and we experimented and worked with that purpose in view. It seems that other manufacturers entertained the same views, and as you know one by one during the past two or three years different manufacturers have announced their intention to discontinue the use of preservative. It was generally understood that the report of the Referee Board would be based on independent investigation. But it was evident that some manufacturers, finding that they could get along without it—and then when the reports of your convention at Mackinac Island last year brought the information that you gentlemen charged with the responsibility of maintaining proper standards in food products in your several states had voted to prohibit the use of preservatives in food products, or to oppose its use, decided that they could not consistently oppose an honest effort to bring about better conditions and thought they would take their stand with you and assist in working out the details of this problem. Our decision was absolutely independent and I make this statement here so that my position may be clearly understood. We do not undertake to say whether benzoate of soda is injurious or not. We do not think it is our province, that we have any right to do that. That is a matter for your scientific men to determine and it is for us to abide by your decisions, whatever they may be. We have succeeded in putting up fruits and syrups without preservative, but we realize that there is a great deal of educational work which must be done to popularize such products and make them popular with the trade. The dealers must learn how to handle these goods and how to take care of them. It may be possible to popularize non-preservative goods, even if all objection to the use of benzoate of soda is withdrawn. Whether it would be good business for any manufacturer to do that or not is another question, and while we do not desire or intend to adopt any policy which is not in accord



with the best business ethics, in considering the ethical side, we must not overlook the business side of this question which is of equal importance and the foundation of the whole matter. It is a matter of business and right and not sentiment merely.

I think that a great many of the manufacturers have shared the views of the J. Hungerford-Smith Company and have made honest efforts at all times to manufacture goods which are not only of the highest standard of purity and quality but which would comply with your requirements.

It is, of course, a matter of some regret to all of us that the requirements—that there has not been more uniformity of requirements, more unanimity of opinion on some of these questions, and lack of that has, of course, resulted in some hardship. Nobody has suffered from that more than the manufacturer because he is most vitally interested, and I think I may safely say that the manufacturers have made a larger sacrifice of time and effort and money to solve these problems than perhaps all of the officials and the government put together. There has been an earnest purpose on the part of my firm, and other firms, I believe, to get at the truth and I trust that we are reaching that solution.

So far as we are concerned we shall continue to put up non-preservative goods, but under present conditions we shall reserve the right to furnish goods prepared with benzoate of soda to those who want them, understanding that our purpose will be to comply with the requirements. It is certainly most desirable that the situation should be clarified as speedily as possible and that uniform regulation may be adopted.

I sincerely trust that your deliberations together may accomplish this result and I believe we shall; I am one of those who believe in the majority rule as I have indicated in my remarks and I even wish that it were possible in this convention when you have obtained a majority vote on any question, that it were possible to make that unanimous and that everybody abide by it. Then we would have uniformity. I am not saying that with any thought as to which way the decision might run or on what subject it might be, but it seems to me that if we could get together and could abide by a majority rule in all cases, that we would have more uniform conditions and more satisfactory results all around. Gentlemen, I thank you. (Applause.)

### **SOME IMPORTANT FACTS WORTHY OF CONSIDERATION.**

**BY A. F. MFRRELL PRESIDENT OF THE OYSTER GROWERS AND DEALERS ASSOCIATION OF NORTH AMERICAN,**

Mr. Chairman and Gentlemen of the Commission:

I wish to thank you for your courtesy and for the privilege of addressing you on a subject which, to my mind, is of the deepest interest to all the American people. A food product so important to the physical comfort of our entire country, as the oyster, might well be discussed by the able men engaged in the study of food values. The results of their labor will be sure to redound to the benefit of the consumer in added health, and pleasure, and to the grower and dealer in placing the oyster beyond all criticism in respect to its absolute purity as a food.

My purpose in addressing you is not to take issue with any scientific conclusions which may have been reached in your investigations but to present certain facts which years of experience have placed in my possession.

I am an oysterman, professing a knowledge of no other business. My boyhood was spent under my father's instructions in the growing and planting of oysters in which business he was engaged. I have been steadily working in the same field ever since and feel that all these years of actual contact with the oyster and its conditions warrant me in placing before you facts which I am sure will strongly appeal to your serious consideration.

In the early days of the industry, and before the great light of science was shed upon us, we thought any living edible fish fresh from its native element was good food. We are now informed that this is not so. Certain conditions said to be conducive to its purity and healthfulness must be met and complied with before its unquestioned value as a food will be even considered. We also assumed, with experience as a guide, that pure clean ice in contact with oysters used in transportation was a method above criticism. We are now confronted with scientific authority to the effect that the practice is deleterious and detracts from their food value; that oysters in transportation must be in a separate receptacle, entirely free from contact with ice. With the utmost good

grace, the shippers have accepted this conclusion and at a great cost are prepared to ship in this way. The oyster planters and dealers stand ready to co-operate with the Food Commissioners and are a unit in declaring their readiness to comply with any just requirements that the National, State or Municipal authorities may impose. On their own initiative, the New York State Association had prepared and, was largely interested in having passed, a bill providing for certain sanitary measures, which they thought were necessary to insure the production of pure oysters to the consumers of the country.

Dr. Wiley's representatives and assistants, in their investigations, have met with every courtesy that we could possibly extend. Confident that our grounds must be found uncontaminated and our shipping facilities sanitary and wholesome, men and boats were placed at their disposal and our time was given ungrudgingly to assist them in making a searching and complete inquiry. The suggestions made by these officials have been acted upon and the sanitary precautions adopted in all the shucking houses, show the good faith and conscientious co-operation of the shipper. Hot water plants have been installed for the cleaning of tubs and receptacles and porcelain utensils are among the suggested improvements which have been cheerfully adopted. The interior of the shucking houses and the clothing of the men engaged in opening oysters have undergone a very great change and in point of absolute cleanliness the oyster industry, considering the character of its work, compares favorably with that of any other food product.

My belief that the Food Commissioners of the different States, in enforcing certain restrictions in connection with all opened oysters entering their territory, were actuated solely by a desire to conserve the health of their people, is shared by every responsible shipper. We feel, however, that in their zeal to perform their duties conscientiously, they have overlooked some facts, and have not given sufficient consideration to others. It is difficult to debate important matters at long range and my sole purpose in addressing you is to reach an amicable understanding which can be brought about only by a personal discussion of these important points.

The first and most important, it occurs to me, is the question of the condition of the oyster on its arrival at point of destination. We concede the oyster should be sweet, wholesome, come from pure waters, and be in a water tight receptacle, free from contact with ice or any other preservative. It is our understanding that oysters have been condemned because they contained too much water, in proportion to salts. What is the maximum amount of water that may be found in oysters fit for food, and at what point does the shipper's responsibility as to this condition cease? It is our contention that the amount of water contained varies with the climatic conditions existing about the time the oyster was caught. For instance, after a heavy easterly wind from the ocean and high tides, the oyster will diminish in solidity and absorb water freely. On the other hand, with high westerly winds and low tides, the oyster retains or increases its solidity, absorbing little water. In the first instance more water will be given off in transit and more will be found at the end of a journey than would be possible under the second condition. These results are shown in oysters coming from the same bed but caught under different wind and tide conditions. In view of this absolutely proven fact, 20 per cent water would be a fair margin and we ask you to make us this concession.

In view of the variation of the amount of water that may be contained, we ask for as liberal and wide a latitude in this connection as the absolute truth of the facts responsible for its presence would warrant. Any other view of this phase of the matter must appeal to you gentlemen as unjust, uncharitable, and contrary to the conscientious evidence of the most intelligent and expert oystermen of this country. I ask your forbearance if I have put this too emphatically but its importance to the shippers of this country is too great to allow this opportunity to pass without appealing to your fairmindedness on this point.

Does not the shipper's responsibility cease when, having complied with all sanitary requirements, the oysters arrive at their destination pure, wholesome and unadulterated and are delivered to the local dealer? Must he be at the mercy of the greed of an unscrupulous retailer who in order to increase his profits, sells water for oysters and does not hesitate to cast the odium on the shipper when caught in his nefarious practice? Put the burden of shipping pure oysters into your territory upon us if you will. We cheerfully accept the responsibility, but in all fairness you should not demand that we guarantee these oysters and become responsible for their condition when they pass out of our hands into those of people we do not know and for whose business principles it



would be impossible for us to vouch. Our earnest co-operation you may depend on and in return we ask for a ruling on these points which will protect us and encourage the shippers of this country to assist you in your good work. Every sentiment of unjust discrimination would be swept away by your favorable attitude in this direction and it is not too much to say that you would have in every oyster shipper a co-worker and an enthusiastic supporter. I firmly believe that the benefits which would accrue from such action on your part must be apparent to you. You will see the justice of our very reasonable request that we get a clean bill of health when our shipments arrive at their destination and are found to be up to the standard required by your local ordinances or the rulings of your Food Commissioners, and that the amount of water which may be found in oysters on arriving in your territory, be liberally estimated, and a sufficient margin allowed to provide for the wide variation which climatic conditions cause.

#### DISCUSSION OF THE OYSTER QUESTION.

BY W. D. BIGELOW, DR. S. J. CRUMBINE AND COMMISSIONER H. R. WRIGHT.

Dr. W. D. Bigelow: Mr. President, ladies and gentlemen. Much experiment work has been done during the past two years in connection with the preparation, shipment and sale of oysters. After the bureau of chemistry had given considerable attention to the subject we were requested by a committee from the Association of Oyster Growers and Shippers, of which Mr. Merrell, who has just spoken, was president, to undertake a more extensive investigation connected with commercial shipments. This work was undertaken, and we were assisted greatly by this committee which I have spoken of, headed by Mr. Merrell, and including Mr. Merrell, who was also present. Our plan was to have some of our men go out to the oyster beds, see the oysters taken up, take them to the oyster house, see them shucked, and have them packed according to different methods, with ice in contact and in separate receptacles. I may say that in these receptacles we did not use any patented packages, but used ordinary tin cans with the close-fitting caps. These cans were sealed. Shipments were made from New Haven, from Patchogue, on the south shore of Long Island, from Norfolk and from Mississippi (?); they were made to our own laboratories in Chicago and Omaha. Here, in the presence of the representatives of the oyster dealers and shippers, the packages were opened, re-iced and shipped again to our laboratory in Washington. Here they were opened, inspected by ourselves and by the committee of the association I have mentioned, samples of the oysters being placed on plates indicated merely by number and their quality compared. Samples were also taken for a chemical examination, such examination as would be made. As might be expected, the oysters that were not shucked at all, that were shipped merely in bulk, in a barrel, in the shell, without ice, carried best, and if practicable that would certainly be the way to ship them. The oysters shipped to Chicago or Omaha and back to Washington, simulating a shipment of more than half way across the country, were practically as good as when they were gathered from the bed. This method of shipment, however, is evidently not commercially practicable. The expense is great, and oysters shipped in that way could not be handled in the smaller towns where oyster shuckers are not found.

Next to this we found that the oysters shipped with slight washing and without ice in contact were far superior in flavor to those that had been washed for a longer time or soaked before washing or which were shipped with ice in contact. And I was very much interested in this to see the attitude of the committee, and I think Mr. Merrell will agree with me that the opinion of the committee changed during the course of this year's work, and that the committee was unanimously of the opinion when the work was over that the oysters shipped without ice in contact were superior in all respects, and I was very much interested in Mr. Merrell's paper, where he assumes that that will be the way that will be adopted, following the lead of those states that have already adopted oyster regulations.

Now, there are three or four points to which Mr. Merrell did not refer, which are exceedingly important. In the first place, the pollution of the oyster beds resulting from the pollution of the oysters. That is a matter that has received very little attention in this country until recently. Lately the New York legislature has enacted a law forbidding the use of food of oysters from contaminated beds. No other

state as yet, as far as I am aware, has followed this law, few other states, of course, having a necessity for it, but other states already have bills in course of preparation and will follow.

This question is much more important when applied to the clam industry. We find clams are being taken from beds that are greatly polluted, and shipped. This is not true to the same extent in the case of oysters, and as far as I am aware the oyster trade is studying the question very carefully and is shipping oysters now only from beds which they believe are free from pollution. Great progress is being made in that way.

Another matter in which progress is being made is to give up the practice of floating oysters before shucking. It is only a short time since it was a prevalent practice for oysters, after being taken from the bed, to be dropped into the mouth or near the mouth of a brackish stream. They had enormous floats. And I was very much interested last spring when I went to the meeting of the association of shellfish commissioners on one of Mr. Merrell's launches, around Staten Island, and looked at the oyster beds there, to see dozens and dozens, I don't know but hundreds, of floats drawn up on the shore and discarded, floats that only a year or two ago were used, but they have been discarded. These floats were left, large rafts, just sunk below the surface, left in brackish water where the oysters were thrown for twenty-four hours, or, say, a couple of changes of the tide, and allowed to drink water, and thus, by process of inflation, the oyster was increased in size, or, as the trade was accustomed to say, fattened, and the trade demanded that, not knowing what this inflation meant. As I say, I was very much encouraged with seeing the evidence of the abandonment of this practice, the evidence that was manifested by these discarded floats. This practice is still followed to a very slight extent, scarcely at all in the New York market, and is not usual throughout the country.

I think that these questions are the ones that are to be considered. In the first place, as to the pollution of the oyster beds, I consider that a bacteriological examination should be made; in the second place, the question of floating oysters before their shipment or soaking them before they are shucked or soaking them after they are shucked; and in the third place, the character of packages in which they are shipped, whether with ice in contact or in separate receptacles, separated from the ice and the ice packed around them. I am glad to see the progress that has been made, and especially glad to see the attitude of the oyster growers and shippers of the country as evidenced by the committee of which Mr. Merrell is the head in this matter. And of course, as Mr. Merrell has said, it should be borne in mind that after the oysters are once shipped and are in the hands of the retail dealer then a large amount of objectionable practices occurs, and there is where the state officers are the only ones who can enforce the law. If water is to be added by the retail grocer the precautions that are taken by the shipper are of no value. This water is fully as likely to be polluted, more likely to be polluted, than the water of the oyster bed. This can readily be determined. It can be determined by the amount of liquor in the oysters. This should not only be given attention to by the inspectors, but I believe it is of the utmost importance that consumers should be informed of the amount of liquor they may expect to find in oysters. Consumers everywhere, even on the coast, and increasingly so as we leave the coast, find often a few oysters floating in a large amount of water. This practice will stop as the consumer is informed of the amount of liquor which he should expect—of the relative amount of oysters which he is entitled to obtain.

I thank you. (Applause.)

Mr. Cannon. Are you prepared to advise the commissioners as to the maximum amount of water that should or should not be found?

Dr. Bigelow. My own impression is that it should not exceed 15 per cent of free water that may be separated out by means of a colander. In few cases will it exceed 10 per cent. I have never seen a case myself where it exceeded 15 per cent. I believe Mr. Wright of Iowa mentioned a case where it exceeded 15 per cent.

Mr. Cannon. How long would you allow it to drain?

Dr. Bigelow. Five minutes, I think, stirring it with an espatcher so that the oysters will not stop up the



colander. I have seen a great many oysters where the straining was carefully done before shipping that had scarcely any liquor that could be separated. But that don't very often occur. One shipment we made from Biloxi had about 5 per cent and one from Norfolk about 12 per cent. As Mr. Merrell has said, the amount of water will depend upon the course of the wind. In our Biloxi shipment, at the time we took our shipment there was a strong shore wind, which at that region carried the fresh water out to a considerable extent over the oysters, inflating the oysters, and there was more liquor given off. If they are allowed to remain, as they should be, in the oyster house for a short time and the water separates out, then if they are carefully drained over the colander, the amount will be very much less than otherwise, and I think 15 per cent will be safe.

Mr. Cannon. May I ask what percentage you found in the adulterated oysters in the open market?

Dr. Bigelow. Oh, we found all the way up to 75 per cent of water. And that is not the fault of the oyster shippers. I have gone into retail stores there for oysters where they would dip up from the colander and put in all the liquor you would let them. The receptacle might be one-third or one-fourth liquor. Now, it wouldn't be a bad idea if consumers carried a milk jar or something of that sort and got their oysters in that, and then the liquor they would get in an ordinary quart milk jar ought not to be more than an inch deep at the outside or perhaps half an inch, the oysters settling to the bottom with not more than an inch of liquor. Isn't that safe, Mr. Merrell?

Mr. Merrell. The retailer is not supposed to sell that liquor at all. That is supposed to be poured off. He only pays for the solid oysters sent to him by the shipper.

Dr. Bigelow. Even where the shippers put the oysters in liquor, the consumer gets not only the increase in the volume of the solid oyster itself, owing to its expansion, but the water that is also added, and I think the work of the commissioners in this respect will almost solve itself if care is taken to educate the consumer as to the amount of liquor that he should get above those oysters. There should not be an inch of water over the oysters in a quart jar.

Mr. Cannon. In cases of prosecutions in any of these states—I take it for granted we can get this data from you, but what other states have engaged in this work?

Dr. Bigelow. Indiana, Iowa, Kansas, Kentucky and other states have made regulations, but I don't know as to whether or not they have enforced them.

Mr. Cannon. We shall have to make some prosecutions in this state undoubtedly, and I want to get the best data I can on the subject.

Dr. Bigelow. In the four states mentioned we have had a good deal of experience. I believe it was done in Kansas three years ago, if I remember rightly.

President Emery. We will now hear from Dr. Crumline.

Dr. Crumline. Mr. President, ladies and gentlemen. I feel that owing to the lateness of the hour what I may say should be very brief indeed. I just want to speak of our experience in Kansas. I believe Kansas has the distinction of being the first state to establish standards on oysters. That was two and a half years ago, and we were amazed and astonished with the ease in which the dealers complied, and we have the universal experience among dealers and consumers too that the keeping quality as well as the flavor of the oyster has been very greatly increased and bettered. I think

perhaps the department never did anything that did not receive the commendation of the public. The consuming public has approved our campaign on the watered oyster. The standard established by Kansas is 10 per cent total solids—I mean 10 per cent of the fattened oyster. By extensive experiments it was found that that was a minimum standard, well within the reasonable limits of any oyster that is grown. We took samples from all the oyster beds throughout the United States. These standards will, in effect, exclude the addition of ice to the oysters, and in that way there was no special rule made on that matter of shipment, but the very fact that the standard was 10 per cent excluded the old method of shipping, the tub method, with the melting ice. I want to say how we got the matter in operation quickly in our state, and that is, we took it up with the express companies. Having about five companies to deal with, it was an easy matter to see the local managers of the express companies, and you will find in the small towns that the express companies are really the sellers. Oysters are sent to the express companies to be sold to the retail trade, and thus they are guilty of violation of the law if they sell these oysters, and by calling on the express companies and laying the matter before them we had their approval of the proposition at once, a proposition that would have been very difficult to enforce, and as a matter of fact we found it very easy to enforce, and it is highly satisfactory.

Mr. Wright. Mr. Chairman, the experience we have had with oysters in Iowa, of course, is at the end of the route. We know nothing about the methods of handling them on the seacoast except that we derive some small knowledge from the food papers and other literature, and we have proceeded on the theory that we ought to have some sort of standard that would give us some practical results pending some further information which might be derived from the experiments which Dr. Bigelow and the national department are making. We investigated the subject and found that when oysters came on the market, either at wholesale or retail, they had all the way from 8 to 10 per cent free liquid up to 45 or 50 per cent, and we found a greater percentage than that; so we undertook some prosecutions of people on the theory that 10 or 12 or 15 per cent was about all that was permissible, and while we did not fail in any case to secure a conviction we did have considerable trouble. The large oyster dealers, some of them, in our state, fought us, and while we convicted them in the justice court they appealed to the district court, and so forth, and intended to keep up the fight. So that when our legislature convened we thought it wise to ask them to enact a standard on oysters, and they have done so, and the argument we use now is this: If we have now a standard of free liquid anyone can determine, with reasonable accuracy, at any rate, whether the oysters come inside of the standard or do not, so that the wholesale dealer and the jobber and the retailer and the consumer alike would be able to take a given quantity of oysters and determine with reasonable precision whether they were probably adulterated with water or not. So we gave the committee our figures on what we had discovered. We had shipments direct to ourselves from the coast, and of course we had to take the statement of the oyster shipper as to what those were as far as washing and adulteration were concerned. We had their shipment, they came in in the regular course of business, and we found all the way from 8 or 9 per cent of free liquid up to 16 2-3 per cent, usually about 12½ per cent, and we put that up to the committee and asked them to establish a standard on oysters, that they must be free from ice, and that they might not have more than 16⅔ per cent of free liquid, to be determined by a straining process as suggested by Dr. Bigelow. That is the standard in Iowa, and we think it is fair. We would establish it still smaller if we were establishing a definition on oysters, but standards, with us at any rate, are established for purposes of prosecution, for purposes of evidence in a sense, so that the court may have something to go by, and all the evidence we need to offer is that the material does not come within that percentage. I think the standard of 16⅔ is sufficiently high, but at the same time I am suggesting further that our experience and information are very limited; it comes wholly at this end of the route and the figures I quote are figures on oysters that were shipped into the state and not oysters we had control of from the time they came out of the water as in the case mentioned by Dr. Bigelow. It is a practical, workable standard. Any housewife who buys a quart or gallon of oysters can tell with very reasonable approximation whether it comes within the standard or not, and if it does not I think she is warranted in believing that somewhere along the route ice or water, amounting to the same thing, has been added. (Applause.)



## THE FOURTH ANNUAL CONVENTION OF THE AMERICAN MEAT PACKERS' ASSOCIATION.

The American Meat Packers' Association held their 4th annual convention at the new Hotel La Salle, Chicago, Ill., on Oct. 18th, 19th and 20th. The convention was the largest and most successful yet held. We herewith present to our readers the most important events of the convention.

### Portion of the Report of the Executive Committee of the American Meat Packers' Association.

We give our unqualified approval to the meat inspection and pure food laws. We believe these laws have come to stay, that they are in line with the progressiveness of the age and are calculated to elevate our commercial standard, to give an added moral tone to business, to promote honesty and fair dealing and to greatly conserve the public welfare.

As is generally the case with legislation which abolished old customs and usages, the primary enforcements of the meat inspection and pure food laws have been attended with some severity, and, perhaps, unintended injustice. It has been the function of your committee to point out to the officials in a respectful, moderate, but firm way, regulations which were unjust, impracticable of enforcement and of no benefit to the public. Our representatives were met in a spirit of fairness by the officials and several of the most unnecessary regulations were eliminated.

Your committee desires to thank you for the unfailing support you have accorded it throughout the year, and bespeaks for its successors the same loyal consideration.

(Signed) THE EXECUTIVE COMMITTEE.

### Excerpt from President Michael Ryan's Address Before the American Meat Packers' Association. Injustice of Condemnation Losses.

But, gentlemen, there is one thing, and this is the time and place when it should be brought up for discussion: We should certainly take action here today by making the most emphatic protest on the injustice done to the packers in compelling them to suffer the loss on condemned animals after post-mortem inspection. (Applause.) We buy our hogs, cattle and sheep in the open market, in that spirit of publicity which our friend Mr. Bunnell refers to, open and above board.

We pay the prevailing prices for these animals; we buy them as good, sound, healthy stock, and yet when they are taken to our packinghouses and slaughtered we have to stand to one side and see the Government inspectors seize a valuable carcass which cost us our good money and condemn that property of ours without a cent of remuneration to the packer. I say fearlessly that that is an injustice not in keeping with the equal rights given by the Constitution to all citizens of this country, and the rights of property also.

This is done to preserve the public health. Our Government has a right to take drastic measures to safeguard the public, but no government has the right to do that at the expense of private individuals. (Applause.) If it is a good thing for the people to condemn these animals, if it is a benefit on sanitary grounds, then by all means let the public and not the packers pay for it. (Applause.)

We ask the Government to do one of two things: Inspect the animals in the stock yards or before they are slaughtered and reject the suspicious stock. If that is impossible or impracticable, then make provision to pay the packers for the condemned animals after they are slaughtered. (Cries of "Hear, hear," and applause.)

Gentlemen, that is in the line of justice, it is in the line of common honesty and a square deal, and no other.

### RESOLUTIONS ADOPTED BY A. M. P. A.

#### Demand Indemnity for Condemnation Losses.

Whereas, An experience of three years has demonstrated the fact that the meat packers of this country have accepted the Meat Inspection Law in good faith, and have honorably and conscientiously conformed to its provisions without faltering or evasion; and that they have patiently and uncomplainingly obeyed the severe and drastic requirements of the law imposed upon them, and

Whereas, They have withdrawn from their working capital or have been compelled to extend their indebtedness by more than \$20,000,000, for the purpose of reconstructing and improving their plants so as to bring them into conformity with the conditions and standards required by law, and

Whereas, They have also borne the loss on post-mortem condemnations of animals, purchased in the open market and paid for as sound, healthy stock at the highest prevailing

market prices; the losses thus sustained by the meat packers have amounted to not less than \$15,000,000 in the three years, and

Whereas, They have been compelled to look on helplessly while their property was seized and taken possession of by Government officials, and confiscated and condemned, without recourse or indemnity, and

Whereas, The only justification for this seizure of private property is that it is done to preserve public health, and this under a government founded on the principle of "Equal Rights to All, Special Privileges to None"; and

Whereas, Though meat packers are the only class of people required by law to suffer a private loss through the operation of a law for the benefit of all the people, no attempt has ever been made by the Government to reimburse the meat packers for the loss of their property, thereby placing the burden upon the whole people, who receive the benefit from it; be it

Resolved, That Congress is respectfully petitioned to pass the necessary laws reimbursing meat packers for animals and foodstuffs condemned and confiscated for the public health and benefit.

And the committee moves the adoption of this resolution. The Secretary:

#### Favor Action to Wipe Out Animal Disease.

Whereas, There is an economic loss to the United States every year conservatively estimated at from \$10,000,000 to \$15,000,000 because of live stock diseases, and

Whereas, The loss of this amount of what would otherwise be healthy food seriously affects the selling prices of the remaining food products, and

Whereas, This loss is almost entirely preventable if proper measures are taken to eradicate disease in live stock, be it

Resolved, That the United States Department of Agriculture be requested to take such practical and active steps as will cause the ultimate reduction of live stock disease, and with the least possible loss of time; and be it further

Resolved, That it is the sense of this meeting that this is one of the most important questions confronting the Government of this country, and that its importance is worthy of the immediate attention of our highest officials, owing to the rapidly increasing diseases which are threatening our meat supply.

And the committee moves the adoption of this resolution.

#### Asks President Taft to Act.

Whereas, The Meat Inspection Law, under the guidance of Secretary Wilson and his competent Bureau Officials, is now being efficiently administered, and

Whereas, It is highly important that the people of all foreign countries should know of the very rigid inspection regulations which are enforced under this law, and

Whereas, These regulations and inspections are an absolute guarantee to all the world that American meat food products are sound, healthful, wholesome and fit in every way for human food, be it

Resolved, That this association, representing the largest and most important industry in the country, in convention duly assembled, respectfully requests the President of the United States to include in his annual message to Congress a special paragraph, emphasizing the statements contained in the foregoing preamble. And the committee moves its adoption.

#### Proper Investigation of Food Questions.

Whereas, The Bureau of Chemistry of the United States Department of Agriculture has rendered many decisions seriously affecting food interests, and

Whereas, Some of the most important of these have been proved by more competent authorities to have been passed upon erroneous premises, and

Whereas, Owing to the congested populations of present-day life, and the changed conditions necessary for furnishing non-producers of food stuffs with the necessities of life, it is essential to know all of the exact facts with regard to the proper method of handling and transporting such food stuffs, and that advantage should be taken of every means of getting such food stuffs to consumers in the most hygienic, as well as sanitary condition, be it

Resolved, That we urgently and seriously request the United States Government, through its proper officers, to refer to a competent commission all questions of importance which have been passed upon by the Bureau of Chemistry, and which have not been investigated by more competent authorities, in order that all of these important questions may be finally and decisively settled. And it is understood in this resolution that we especially refer to decisions made by the Bureau of Chemistry restricting the uses of modern methods of preservation, and we especially ask the United States Government, through a competent commission, to investigate all the so-called modern preservatives, except those which have



been investigated, and passed upon by a competent commission. And the committee moves its adoption.

#### **Pledge Support to Taft Administration.**

Whereas, We have the utmost confidence in our nation's President, Hon. William H. Taft; we regard him as a wise, prudent, discreet and broad-minded statesman; as one who will not be swayed in the discharge of his duties by baseless rumors or unfounded public clamor, and who will treat men, no matter in what legitimate line of industry they may be engaged, according to their deserts and with the strictest fairness, justice and impartiality, be it

Resolved, That we pledge our hearty support, not as politicians, but as loyal, patriotic American citizens, merchants and business men, to the present administration, and we confidently believe that under President Taft's conservative and statesmanlike administration, the country will soon recover from the recent business depression and enter upon a career of unprecedented and permanent prosperity. To this end the American Meat Packers will contribute all in their power to help make the Meat Inspection Law a success, thus elevating the standard of American meat products above that of any other country. And the committee moves the adoption of this resolution.

#### **Advice to the Paris Food Congress.**

Whereas, There is now in session a meeting of individuals and associations interested in food questions, and representing many nations at Paris, and

Whereas, It is part of the program of that meeting to consider many questions which are of the highest importance to food manufacturers, be it

Resolved, That the American Meat Packers' Association in convention assembled, respectfully urges and requests the Paris Food Congress to secure information and opinions from only the highest authority upon all subjects of issue, and wherever possible that it eliminate the opinions of all alleged authorities who may have a personal interest in the final decisions of the congress; that it is the sense of this resolution that all decisions of this and similar congresses should be based upon exact competent information, and be absolutely free of prejudice or of personal interest. And the committee moves the adoption of this resolution.

Whereas, The General Entertainment, Banquet and Press Committees of the association have worked long and earnestly for the very successful convention now drawing to a close, and

Whereas, Every member of this association is indebted to the collective members of these committees for a most interesting, enjoyable and profitable convention, be it

Resolved, That a vote of thanks be tendered to the members of these committees with the assurance of the association that their efforts have been deeply and heartily appreciated. And the committee moves the adoption of this resolution and suggests a rising vote.

#### **To the Butchers and Stock Raisers.**

Whereas, Official representatives of the retail butchers' and live stock raisers' associations have honored us with their presence at this meeting and have evidenced their good will and desire to co-operate with us on all matters of mutual interest, be it

Resolved, That a vote of appreciation be tendered to the representatives of these associations, with the assurance that we will be more than pleased to have them with us and to join in our councils at all future annual meetings.

The committee moves the adoption of this resolution.

#### **Thanks to the Speakers.**

Whereas, The technical papers read at this meeting have afforded a vast amount of valuable and instructive information to the association, and

Whereas, The authors of these papers have spent their time and energy and have given of the fruits of their experience and thought for the general welfare, be it

Resolved, That a sincere vote of thanks be tendered to the authors of such technical papers, and that each of them be apprised of this action.

And the committee moves the adoption of this resolution.

#### **Thanks to Government and State Officials.**

Whereas, Various officials of the United States or State Governments have shown many courtesies and hearings to committees of this association, and

Whereas, These officials have given us every opportunity for making fair, impartial and important representations to them, be it

Resolved, That a vote of thanks of this association be tendered to each and all such officials.

And the committee moves the adoption of this resolution.

#### **Thanks to the Retiring Officers.**

Whereas, Much or all of the success which has attended the formation and existence of this Association has been due to the untiring and unselfish efforts of those of its officers who are now voluntarily relinquishing their honors to others; be it

Resolved, That a vote of thanks, accompanied by the heartfelt good wishes of this association, be tendered to its retiring officers.

And the committee moves its adoption. Gentlemen, as I said last year, I believe I am not one of the retiring kind; I am not of retiring disposition. As General Ryan refuses to put the motion, I will do so. All those in favor of it say aye. It is unanimously carried.

#### **ADDRESS OF HON. A. H. JONES BEFORE THE ILLINOIS MAYORS ASSOCIATION OF ELGIN**

Mr. Toastmaster and Members of the Mayors' Organization or Association of Illinois, Ladies and Gentlemen: I assure you that I am highly pleased to have enjoyed this splendid feast tonight. I want to thank you, and through you the officers of this association for the invitation to be present here with you and enjoy this lovely banquet and address you upon this occasion.

In my judgment you could not have found a more fit and appropriate place for holding the annual meeting of the mayors of Illinois, and discussing the municipal affairs pertaining to the government of your respective cities than in this lovely city of Elgin, for Elgin is an ideal American city. Here is where the pure food movement had its origin; her fame has gone abroad; she is noted for the enterprise of her people, her lovely women and her location on the map of the State, and the nation, gives her an advantage that few inland cities possess. Located in the center of one of the richest agricultural and dairy districts of the United States, as well as in the center of population and wealth of Illinois and of the United States, all you have to do, my friends, is to take down a map of the United States and go to the geographical center and there located in one of the most favored portions of our beloved country you will find Elgin; she is only in the infancy of her prosperity; her people understand this; they are alert to the situation. Her public schools are the best, her industries of all kinds are conducted on the most modern principles. Here is where we get the Elgin water and her milk and honey and all go to make life worth living, is far better than that of the land of Canaan, of Palestine or of the "Holy Land."

When the Governor of this great commonwealth, and your humble servant as State Food Commissioner were in need of an expert dairymen for Illinois, for Assistant Commissioner, to look after, maintain and preserve her great dairy and food industries, we went to Elgin and selected a former member of your organization, the Honorable John B. Newman, for the position, and I am pleased to say that in my judgment we made no mistake in the selection, for the way he has taken hold of the work of reorganization of the dairy interests of the State, and looking after the dairy and foods interests, is pleasing, not only to the Governor and to the State Food Department, but to all our six millions of people in Illinois as well. Mr. Newman comes from a long line of dairymen; for generations his people have been identified with these interests.

Mr. Toastmaster, I am glad to see the Mayors of Illinois organizing and holding their meetings to discuss the great municipal affairs pertaining to the government of our cities, for under the common law of England which has been handed down to us by our forefathers as the system upon which our municipal and political affairs are based, the position of Mayor is all important; in England they call them "Lord Mayors." In every other country they are looked up to and regarded with great veneration and esteem, and I am pleased to see that here in the United States, and especially in the State of Illinois, the Mayors of our cities begin to understand the high and exalted position they hold and the power they possess, and the wonderful things they can do if they will only carry out the powers and duties the people have conferred upon them and with which they are clothed.

The Mayors are the guardians of the public health, the public virtue, the business industries, the sanitary condition of these cities and all that go to make up the true greatness and well being of the cities they represent. They are clothed with almost absolute power for the weal or woe of the people over whom they preside.

The Illinois State Food Department, of which I have the



honor of being Commissioner, as soon as it was organized at once began to get into communication with the Mayors of Illinois in order that the Illinois State Food Laws might be enforced in the different cities of the state.

Mr. Toastmaster, the Mayor Ex-officio is at the head of the City Board of Health. No unsanitary place can long live, or unsanitary business be conducted; no slaughterhouse that is vile and filthy, or in an unsanitary condition (as many of them now are) can exist within two miles of the city if the Mayor of that city is alert and up-to-date, and understands the power invested in him by the law, for he can declare any or either of the aforesaid places a nuisance and have them abated at once.

Mr. Toastmaster, it is up to the Mayors of the different cities of the State of Illinois, as well as the State Food Department, to see that these foods are kept pure and unadulterated and so prepared and labeled that the consumer may know just what he is purchasing. This is the essence of the Pure Food Law; it is what the State Food Department is trying to teach and what the people of Illinois want. For ten years the State Food Department has been contending that the people's food should be kept pure and wholesome and that our people should have a wholesome food ration.

Governor Deneen in his first message to the legislature recommended a revision of all our State Food Laws and the Legislature of Illinois gave us a splendid food law, the best



COMMISSIONER A. H. JONES.

of any state in the union. In 1906 Congress gave the people a splendid National Food Law and in harmony therewith, and already rulings and standards have been made under these laws, National and State, for nearly all the various food products manufactured in the United States. A system of labels has been agreed upon between the State and National food officials for all these various foods, so that the manufacturers and packers of food everywhere in the United States know just what the law requires and just how these various foods should be prepared and labeled.

Mr. Toastmaster, it is now up to the Mayors of the different cities and the State Food Department, to see that these laws are carried out and complied with in Illinois, and that the people of our state secure the pure foods of all kinds as provided by our National and State Food Laws.

Immediately after the National Food Law was passed by Congress, I went to Washington and took up the question of co-operation in the national food work and enforcing the

National and State Laws with Dr. Wiley, Chief of the Bureau of Chemistry, who has charge of the enforcement of the National Food Law, and with Secretary Wilson of the Department of Agriculture in whose department the enforcement of the National Food Law was placed, and made the necessary arrangements with them for mutual co-operation between the National and State Food authorities in all matters pertaining to interstate commerce in foods that might arise in Illinois.

More attention is being given to these matters than ever before, as now since the enactment of the National Food Law, under these laws, State and National, rulings have been made for nearly every food product, and a committee of State and National Food Commissioners and Chemists have been appointed to formulate these rulings, so that the food officials of the various states, as well as the national government, may adopt and follow same. Already this Committee has made rulings and reported same and the rulings have been adopted for the various food products and the work of enforcing the food law in Illinois will in the future be comparatively easy, as now we can reach the manufacturers and vendors of these adulterated and misbranded foods outside of the state and coming across the border line of the state.

Heretofore, as stated, there was no way of reaching these adulterators and false labelers of foods doing business outside of the state and whose foods came across the border line of the state.

Now that we will have standards for the various articles of food, and every food product properly labeled, the discovery of fraud in foods and the evidence of the same will be narrowed down until it will simply mean a question of analysis by the chemist, and a comparison of the sample with the label and standard as fixed.

Hereafter, under this co-operation between State and National food officials, manufacturers, dealers and food officials, under the provisions of our New National and State Food Laws, and the rulings and standards made thereunder, will be equally and fully informed as to the precise requirements in the composition of all articles of food, the proper labeling of same, and much unnecessary and costly litigation will thereby be avoided.

We champion the doctrine that pure food and pure drink are not only moral obligations resting on all governments, but a legal obligation that should be vigorously enforced, not only by statutory laws but by their rigid enforcement.

The objects of our State Food Laws are three-fold: first, to protect the ignorant consumer from injury and fraud; second, to foster and protect the industries of our State; third, to put competing manufacturers, packers and jobbers on an equal footing. In order to fulfill these objects, laws and their rigid enforcement are necessary.

Food is, next to air, the greatest necessity of life, and the study of the various kinds of foods adapted to human existence, their relations to the need of the human body, their influence on the health of the individual, their quality, their purity or freedom from matters foreign and injurious to health, is one of the essential studies in connection with Pure Food Laws and their enforcement.

The adulteration and falsification of alimentary products is by no means an invention of modern times; it has always been practiced as the citation of ancient recorded cases proves. We learn from these that in past ages adulteration of food and drink was punished not only by fine and imprisonment, but with more humiliating penalties, and to expiate their infamy the adulterators of food were often compelled to wear in public a placard with the announcement, "Falsifier" or something similar, written in conspicuous characters.

When, as in ages past, alimentary products were grown and manufactured by the consumer himself or the consumer bought direct from the farmers the raw materials, such as grain, meats, fruits, etc., and prepared the foods himself, he was certain, or at any rate had greater security that he was consuming the pure article.

The foods and food stuffs of former times were few and simple as compared with ours. Formerly the food markets were not filled with all manner of goods prepared and ready for consumption.

The food materials that were formerly bought and sold were mainly of a raw, crude nature. Formerly they had neither "potted meats" nor "canned vegetables;" spices came to them unground and none of their virtues extracted. Formerly the list of family groceries was a short one.

Food adulteration as a great evil follows manufacturers and commerce, and flourishes in the train of a broadening civilization. Adulteration is largely a matter of lessening costs in order that an extensive line of low-priced foods may be placed upon the market.

We all recognize as a marked and creditable feature of the



past quarter of a century, the efforts of modern civilization to regulate by law sanitary and other conditions affecting the physical welfare of the race, in order to add to the comfort of living and promote longevity. Included in this effort, is the regulation of the food supply, commonly designated the "Pure Food Movement."

The entire question as to the pure food regulation might be summed up in a few sentences, as the kernel of the entire matter is that the consumer shall be made acquainted with the true character of the food and drink offered for sale.

The fundamental principle is that every consumer is entitled to choose as to the kind and quality of the food offered for sale. For example, whether they shall receive honey when desiring to purchase that article, or a mixture of honey and glucose; absolutely pure fruit jelly, or some questionable imitation, and this comparison is equally applicable and true as applied to all foods and food products.

Today, on account of the tendency of the population to concentrate in cities and villages, industrial having proportionately outgrown rural life, it becomes a necessity that food products be bought in greater quantities, and under such conditions adulterations become more feasible and difficult to detect and suppress.

Chemistry, with its amazing progress and its manifold resources of substituting the artificial for the natural, has offered to the student of its mysteries, greater facilities for effecting numerous falsifications but at the same time let it also be stated that chemistry furnishes ample means of detecting them.

During the past year there have been over 6,000 samples taken and reported to the office of the State Food Department, not taking into consideration the tests made as to milk and dairy products. Some of these samples were taken for the reason that they were misbranded, or not properly labeled in conformity with the requirements of the State Food Law and others to determine whether they were pure and wholesome or contained coloring matter and preservatives that were harmful. Of these samples analyzed, more than 3,800 were found to be pure or to meet the requirements of the law, and about 2,200 were found to be adulterated or mislabeled and illegal and consequently in violation of our State Food Laws.

Many prosecutions have been begun and successfully conducted and convictions secured on account of these various violations, and the intention of the State Food Department is to enforce these food and dairy laws more vigorously, and no leniency will be shown or immunity granted to the violators of these laws in the future, as these pure and wholesome butter and milk laws are more especially for the protection of the infants and for those who are sick, consequently require greater protection as milk more especially is the common diet for infants and all those in bad health.

There are about 4,000 manufactories of foods and 16,000 retail grocery stores in the State, not counting the thousands of restaurants and booths and other places where foods may be sold and where the dealers may be interested in knowing the quality of the food sold.

If these retail dealers of the State alone submitted but one single sample each of their goods for analysis, it would take up the entire time of our State Chemists, leaving no time to attend to the analysis of suspected articles secured by our Inspectors, and should this be the rule adopted, the retail dealer would in all probability send in to the State Food Department only a sample of its "pure goods," and not a sample of the adulterated or mislabeled foods, if he had any, in his store or place of business.

Mr. Toastmaster, we do not think at the present time after all the light that has been thrown upon the question of adulteration and falsification of the various food products and the work that has been accomplished, not only in our State but in the various states of the union, and by our national government in the investigation and endeavors to stop the sale of adulterated and falsely labeled articles of food that there is any necessity, or argument of mine to prove the necessity for strong, wholesome food laws and their enforcement.

Mr. Toastmaster, especially is this true before such a body of intelligent men as are gathered here in this convention, men who are all in hearty sympathy with all the work that has been accomplished in securing stringent Food Laws and their rigid enforcement and giving to consumers pure articles of food, and are ready at all times to do all in their power to protect the consumer against fraud and to give the manufacturers and dealers who desire to manufacture and sell, only pure, honest goods the full benefit of the laws, State and National.

Mr. Toastmaster, the head of the family is wise when he takes the ground that the best food in the market is none too good for himself, and the members of his family. Pure

and wholesome food has preserved many a valuable life and restored the sick and feeble to robust health, and since the passage of the "Pure Food Laws" by the states there has been a notable increase in the length of human life.

When we think that the whole human family from the cradle to the grave is dependent on these food products; that it is engaged in a struggle for food and cannot live without it; that the condition of humanity depends upon the quality of its food and that a people are prepared for a struggle for existence in proportion as its food products are kept pure and wholesome; that you can tell the standard and character of a nation by the wholesomeness and purity of its food products, by the food it consumes, and that in the State and the nation we are entrusted with the duty of enforcing these laws and thus guarding the people and protecting them from the manufacturer and dealer in impure, fraudulent and unwholesome foods, we can understand what a great duty we have to perform.

We find, as we draw aside the curtain of time and look down the centuries as they pass before us in panoramic view, that it took forty centuries to prepare the human family for the coming of Christ and Christianity, and that it took almost eighteen centuries more to prepare the nations of the world for a government of the people, by the people and for the people here in the new world.

The trouble down the centuries has been over this same food product; it started in the Garden of Eden. Six thousand years ago we find that the beasts of the field, the fowls of the air and all other created things, according to their kind or variety, were named but the orchard was overlooked. We have no authentic way of telling what kind or variety of apples grew in the Garden of Eden, and for six thousand years the human family has paid the penalty.

The Nineteenth Century will stand out conspicuously among the centuries as that one in which the nations learned that all men "are created equal." Shall we not hope that the twentieth century will stand by its side as the one in which the nations of the world learned that the food products of the earth were made for man, and the nations of the earth must protect, preserve and keep them pure and wholesome by the enforcement of these "Pure Food Laws"—State and National.

The men and women who have had nothing but pure and wholesome food for their daily fare have had the blessings of the earth; they have eaten its fresh, ripe fruits; they have breathed its pure air; they have drunk its pure water; they have wrought in its living sunshine; they have rested in its leafy shades and by its babbling brooks.

Toastmaster: To them the change of seasons brings varied, healthful, living employment; to them the labeling of the various food products brings faith and trust in a kind and bountiful Providence; to them the heavens declare the glory of God; to them the beautiful, quiet nights bring halcyon dreams of eternal peace and rest; they have basked in and tasted the pure and sweet nectar of real life. These men and women who have had only pure food and pure drink are the poets, the painters, the statesmen, the philosophers, the preachers, the teachers, the physicians, the orators and the judges as well as the lovers of the human race.

These men and women who have had only pure and wholesome food have built the asylums and hospitals for the poor and unfortunate, and sweet charity finds in them her most devoted devotees, and may the choicest and richest blessing always be theirs.

The Pure Food Movement that is now sweeping the country cannot be further stayed in its onward march. The people are being educated, not only by the National and State Food officials, the Mayors of the different cities of the union, the public press, the great food magazines and journals to a full comprehension of the enormity of food adulteration, but we find your organization and similar organizations all over the country, taking up the cause of "pure food" and carrying the banner aloft until today from Maine to California; from the Lakes on the north to the Gulf on the south, all over this broad land there is a demand for the enforcement of the Food Laws, and that by so doing the people may have a healthy and stable ration.

Mr. Toastmaster, all we have to do is to take down the volumes of sacred history and go back thirty-five hundred years, and we find that the first food commissioner was Moses, the Jewish law giver. He gave the Jews their first regulation and rulings concerning the production, manufacture and sale of the various food products of his day which applies literally and with great force at the present time.

Mr. Toastmaster: As long as the Jews obeyed the laws, as laid down by Moses, we find that they were called God's chosen people and loved and followed his doctrines and pre-



cepts and that their foods were the best. We love to go back to the Land of Canaan, to Palestine, the "Holy land," the land flowing with milk and honey and read of their glory, their beautiful women, their brave men, their glorious civilization, all, in my judgment, due to their "pure food" and "pure drink." And we find that after they began adulterating their foods and their drinks they fell from their high estate.

Mr. Toastmaster: In all ages and among all people since the dawn of civilization "pure food" and "pure drink" has been the paramount issue, and I am pleased to state that today, in my judgment, in no part of the civilized world is the doctrine of "pure food" and "pure drink" more thoroughly preached as well as practiced than here in Illinois.

Illinois is the first food and dairy state in the union. Her broad prairies and fertile valleys are especially adapted to the growth and development of these food and dairy products. On her broad bosom are grown the food and dairy products that feed the nations of the world, and with Elgin as the center of the dairy industries, with Chicago as the distributing point of all the vast food products and centrally located as Illinois is in the union, she will always maintain her position at the head.

Mr. Toastmaster: In conclusion allow me to again thank the good women of the Catholic Church of Elgin for this lovely banquet. My remarks tonight more especially include the ladies, for it is to the women of our country that we owe all that is good and true. In peace we work and strive to make them happy, in war we fight for them, for they are the Queens of our homes and God's last and best gift to man.

#### **PENNSYLVANIA APPELLATE COURT DECIDES THAT COMMONWEALTH NEED NOT FURNISH SAMPLES TO DEFENDANTS FOR ANALYSIS.**

(In the Court of Quarter Sessions of Blair County.)  
Ed. Note:

We believe the following decision to be one of the most important handed down in recent years and therefore re-produce it for the benefit of our readers. Commonwealth vs. J. A. Koller, et al.

In re. rule to show cause why portions of samples taken by the Commonwealth should not be turned over to defendants for analysis.

By the Court: "So far as the rule for a bill of particulars is concerned, as ruled by the Supreme Court in Commonwealth vs. Powell, 23 Sup. Ct. 372, a bill of particulars in a criminal case is not a matter of right, but is only an appeal to the sound discretion of the Court. My recollection is that in some of the pure food indictments in cases tried in this Court there was simply an allegation in the indictment that the pure food act had been violated, without specifying the particular violation. I am inclined to think that that indictment was perfectly good. We have our Act of Assembly which provides that an indictment shall be deemed sufficient which simply follows the words of the Act of Assembly, and if this indictment had simply followed the words of the Act of Assembly, and been in the general form with which we found other indictments, we would feel it but right and proper that the Commonwealth should specify the particular article of food which was supposed to be adulterated, and at least specify in a general way how that particular article of food was adulterated; but in the present instance the particular article of food is specified, to wit, chocolate, and there is a general statement as to how it is adulterated.

I think we will all agree on a moment's reflection that the rulings of the appellate courts on this subject are perfectly right and proper. The authority cited by Mr. Baldrige is not an analagous authority at all. In the first place, as stated by Mr. Woodward, the physical examination to which the plaintiff is compelled to subject himself is always made—and I am speaking only as to the orders of—is always in the presence of the physician of the plaintiff, I have drawn frequent orders compelling plaintiffs in damage cases to submit to physical examinations, but I was always careful to provide that the physician of the plaintiff should be present so that no unfair advantage could be taken of the plaintiff, and that everything that was done there was done in the presence of the physician of the plaintiff. But, it seems to me that the endeavor to liken a civil proceeding to a criminal proceeding is fallacious, and that is the vice of the offer. In a civil proceeding the plaintiff may be compelled to subject himself to a physical examination. At the same time, he has the mutual and co-ordinate right of compelling defendant to disclose his case. Not so in a criminal case. The defendant can hold all

the papers in his possession, and there is no power to compel him to produce them. He can sit on the witness stand and say, "I have a paper at home," and the Court is powerless to make him produce evidence to establish his guilt. That is one reason. In the second place a civil suit is tried on the weight of the evidence. Each party comes in with an equal right to be heard as to the measure of proof, but in a criminal suit the burden is on the Commonwealth to establish the case beyond a reasonable doubt, and these maxims of ours about the reasonable doubt that the jury must come to the firm, unwavering conviction that the defendant is guilty, have come to us from times when judges were wont to hang a man for stealing a loaf of bread. Now I do not say in the present criminal procedure that we should get away from those old maxims, but I do say that while we adhere to those old maxims (which we adopted when they hung men for stealing a loaf of bread), such maxims ought not to be applied against the Commonwealth on the one side, and, then, on the other hand, the Commonwealth be compelled to disclose all their case; and the absence of precedent to my mind is strong proof that there is no warrant for a Court compelling the Commonwealth to submit their evidence in advance to the defendant.

It does seem to me that the able criminal lawyers who have defended criminals charged with grave offenses, if there was any warrant for such a precedent, would have brought it in force. Take for instance a murder case. The Commonwealth claims that they found on the prisoner a bloody shirt, and that the blood stains are human blood, not chicken blood, or blood which he received butchering a hog, but human blood; now we all know that the experts on the part of the defense coach the lawyers for the defense while they cross-examine the experts of the Commonwealth, but I do not think there would be any warrant for a defendant charged with murder to say "you must tear that shirt in two, and you must give my chemist one-half of the alleged blood stains so that they can prepare a defense;" or, to put it more mildly, that they can have the alleged blood stains analyzed. I do not know of any such precedent, and the very fact that Mr. Baldrige, after diligent search, has been unable to find one, to my mind is proof that there is no warrant to force the Commonwealth to produce the evidence they are going to submit. As I said before, in a civil suit, under certain equitable rules, each side must apprise the other side of what evidence they are going to use, but I do not think it would be fair to say to the Commonwealth, you must give the defendant all your side of the case so that he can examine and ransack it, and at the same time allow the defendant to keep his mouth shut. It seems to me that would be giving a defendant an unfair advantage, and it seems to me it would be unfair to compel the Commonwealth to allow a defendant to subject their samples to examination in advance, and I will overrule the application for the compelling of the production of such samples.

As to experiments in open Court, I do not know to what extent I will go about a matter of that kind. I did rule in the formaldehyde cases where Mr. Hicks wanted to take a drink of the preservative, and wanted the Court to take a drink of it, and let the jury take a drink of it, I did rule that he could take a drink, but the Court would not, and would not have the jury do so. Mr. Hicks was going to turn the Court into a laboratory, and I think we said we would not have any laboratory here in Court. I do not know to what extent I would go if there was an effort on the part of the defendant to examine samples by microscopic tests—I will leave that matter open."

I hereby certify that the foregoing is a correct transcript of the opinion of the Court in the case of Commonwealth vs. J. A. Koller, et al., in re. rule for turning over of portion of sample taken by Commonwealth.

J. F. MECK,  
Official Stenographer,  
Courts of Blair County.

#### **WISCONSIN RETAIL GROCERS ENDORSE NATIONAL FOOD LAW.**

The Wisconsin Retail Grocers and General Merchants Association in convention in Milwaukee passed the following resolution in reference to the pure food laws:

Whereas, The basic principle of pure food legislation is to protect the public health and prevent fraud and deception in the sale of foods, and

Whereas, The retail grocers of the state of Wisconsin through their representatives in convention assembled and



otherwise have repeatedly affirmed their belief and hearty support of the spirit and object of pure food legislation, and

Whereas, The retail grocers of the state of Wisconsin are as vitally interested in the enactment of just food legislation as the consumers of Wisconsin on account of being purveyors of food articles, and

Whereas, The state of Wisconsin draws a very large percentage of her food supplies from other states, and

Whereas, There is an obvious necessity for state and national food legislation, and

Whereas, It is of the most important interest to the state and nation, the consuming public, and the trade that state and national food legislation should be developed along uniform lines, and

Whereas, The national pure food law of June 30, 1906, having been very carefully framed, is now in active operation and is being vigorously enforced by the national authorities, and

Whereas, The national pure food law of June 30, 1906, has thoroughly demonstrated its practicability in accomplishing the sole object of pure food legislation, namely, to protect the public health and to prevent fraud and deception in the manufacture, sale or transportation of adulterated, misbranded, poisonous or deleterious foods; therefore be it

Resolved, by the retail grocers of the state of Wisconsin in convention assembled in the city of Neenah, Wis., on the twenty-third, twenty-fourth and twenty-fifth days of August, 1909: First—that we stand, first, last and all the time, unalterably in favor of safeguarding the public health and preventing fraud and deception in the sale of foods by efficient legislation, both state and national.

Second. We contend that pure food legislation, while protecting the consumer, should not inflict unnecessary hardship on manufacturers or dealers.

Third. We believe that the interest of consumers will be best served by having state and national food laws conform to each other, and we hereby publicly call upon His Excellency, the Governor of Wisconsin, and our honorable state legislators to take necessary steps as soon as possible to amend our state food laws, so as to harmonize with the national law, thereby eliminating the absurd position forced on local dealers at the present time in reference to good articles the sale of which is illegal in Wisconsin under the Wisconsin law, but which is legally salable in other states, and which can be shipped into Wisconsin in interstate commerce and sold direct to consumers in Wisconsin and the State law cannot interfere or prevent.

#### CONDENSED MILK IN MEXICO.

Replying to an inquiry relative to the market in central Mexico for condensed and evaporated milk, Consul George A. Bucklin, Jr., of San Luis Potosi, says:

This part of Mexico offers a promising field for the sale of such food products. There are comparatively few dairy cattle, and good feed is expensive. Fresh milk sells at 20 to 24 centavos (10 to 12 cents) per liter (1 liter=1.05 quarts) for the best quality, the cheaper milk selling at 12 to 15 centavos (6 to 7.5 cents). One of the leading dealers here gives the estimate, in the absence of statistics, that about 200 cases of condensed milk, 48 1-pound cans to the case, are imported to this city annually, and that about 10,000 pesos (1 peso=\$0.498) worth of malted milk is also brought in. There is also a small amount of condensed cream used. Milk put up in these forms is preferred by many people and is also prescribed by doctors, because it is believed that there is in it less danger of infection. Condensed milk retails for 50 centavos (25 cents) per can, and malted milk for 1.75 pesos (\$0.87) per jar of about 1 pint, and 6.75 pesos (\$3.36) per jar, hospital size, of about 1 gallon.

#### WILL TEST PURE FOOD LAW.

Manitowoc, Wis.—Papers have been served upon officers of the Kneipp Malt Food company, this city and New York, in a test action by the government on the pure food laws, it being alleged that the company's use of the word coffee on its cartoons and advertising matter is a violation of the pure food laws. The Kneipp company manufactures a malt coffee that has a large sale. The company was organized here some years ago, but is now in control of Eastern capital. F. A. Miller of this city is secretary. The company claims to have sought an opinion at the time the law was amended, but had never been able to get satisfaction. The case will be heard before Judge Quarles of Milwaukee.—Milwaukee, Wis., News.

#### HAS POWER TO STOP POLLUTION OF LAKE.

**State's Jurisdiction Extends Ten Miles Into Lake Michigan. Declares Attorney General—Can Invoke Criminal Laws—Not Only Dredges, But "Floating Poolrooms" Are Within Reach of the Statutes.**

Attorney General Bingham has submitted an opinion to H. E. Barnard, state pure food and drug commissioner, in which he holds that the state of Indiana has the right to proceed against sources of pollution in Lake Michigan, from which some of the cities and towns along the Indiana shore line derive their water supply.

The question of the state's jurisdiction beyond the shore lines has been up for some time. The attorney general's opinion is of far-reaching importance, as some of the cities along the water front dump their sewage into the lake. The sewage from the State Prison at Michigan City goes into the lake, it is said.

Following the receipt of a letter from Fred C. Miller, mayor of Michigan City, Mr. Barnard laid the question before the attorney general. Mr. Miller wanted information particularly as to the state's jurisdiction in so far as it is possible to prevent dredges from dumping sand from the bottom of the lake near the intake of the water supply of Michigan City.

#### DREDGES INJURE QUALITY OF WATER.

"In the course of our investigation," said Mr. Barnard, in his communication to the attorney general, "we found that these dredges seriously injured the quality of the water not only at Michigan City, but at Indiana Harbor, Hammond and elsewhere. Is there any law of the state of Indiana which may be brought into force to stop this practice?"

It is held that in view of the fact that the constitution gives the state territory ten miles out into the lake, the intake of the water supply at Michigan City is within the boundary of Indiana and the points where the dredges are stationed are under the state's jurisdiction. It is held further that all the rules applicable to navigable bodies of water within the state apply also to the lake.

"The sovereignty, ownership and dominion of the several states," says the opinion, "for public purposes and as trustee for the people over lands covered by the Great Lakes within the limits of states is restricted only by the paramount right of Congress to control navigation thereon as far as may be necessary for the regulation of commerce with foreign nations and among the several states."

It is pointed out that jurisdiction lies in the county where the offense is committed. It is declared that Congress has repeatedly recognized the jurisdiction of states in criminal cases on adjoining high seas.

#### STATE HAS SOVEREIGNTY OVER LAKES.

"I am therefore of the opinion," continues the attorney general, "that if any person commits any offense against the state of Indiana within the borders of said state, but on the waters of Lake Michigan, that person is amenable to the criminal laws of this state, and may be punished accordingly, and that the civil jurisdiction dominion and sovereignty of the courts of this state extends to the full territorial limit thereof, including that part of the waters of Lake Michigan within the boundaries of this state, but the right of the state to control offenses committed on the waters of Lake Michigan is subject at all times to paramount rights of Congress."

"I am of the opinion that if 'sand suckers' are polluting the source of the public water supply of Michigan City, it is competent for the State Board of Health to proceed against them under the terms and provisions of the act of 1909, provided such acts of pollution are being done within territorial limits of this state, nor do I believe that this right of the state to protect the public health of its citizens will, in the case you mention, interfere in any way with interstate commerce or the regulation thereof by the Congress of the United States."

The opinion was written by Will H. Thompson, assistant attorney general. Mr. Thompson holds the state has criminal jurisdiction as well as civil. The state therefore may find some way in which to go after the Traverse City, the boat which caused trouble during Governor Hanly's administration in the vicinity of Hammond, Michigan City, Gary and other points, if it comes within the borders of the state.

The state officials have not determined as yet when they will proceed against the dredges at Michigan City.—Indianapolis Star.



### BISCUITS AND CRACKERS IN CHINA.

In response to inquiries Consul Wilbur T. Gracey, of Tsingtau, furnishes the following report regarding the trade in biscuits, crackers, and cakes in China:

During the past few years one of the large growing imports of China has been crackers and biscuits. The native Chinese have taken to their use, they can now be found in the majority of the large restaurants in the principal cities, and they are used in ever-increasing quantities by the better class of Chinese in their homes. It is a custom in China to present all callers, at whatever time of the day they may arrive, with a cup of tea and a plate of small cakes or biscuits, sponge cake, or other sweet crackers. For centuries past these have been locally manufactured, but the superiority of foreign-made biscuits has been recognized here, and large quantities of these products are imported from England, one British firm having a practical monopoly of the trade. The biscuits made by this firm have become well known throughout the Empire, and the introduction of another kind and quality can only be accomplished by a thorough campaign. In the Tsingtau market may also be found a few tins of goods imported from Germany for the use of the Germans resident here, but the bulk of the importation is for the Chinese trade and consists of two and four pound tins of biscuits manufactured by a British firm.

#### RESOLD AT SHANGHAI—BRITISH VARIETIES.

There are practically no direct importations into this city, except the few cases of German biscuits above mentioned, which come out on ships direct from Germany. All the other products come to Shanghai and are there resold to the different Chinese shopkeepers in the ports and to the interior of China.

The British varieties found here are sold under the following names: (1) Albert, (2) Marie, (3) petit beurre, (4) milk, (5) afternoon tea, (6) salt, (7) small mixed, (8) ginger nuts, (9) vanilla wafers, (10) chocolate wafers, (11) oatmeal, (12) wheatmeal, (13) dessert, (14) rich mixed, (15) rich digestive (16) oaten, (17) cream fingers, (18) variety, (19) popular, (20) miniatures, (21) cafe noir, (22) artic wafers, (23) monarch, (24) golden snaps, (25) tick tock, (26) canteen, (27) automobile, (28) como, (29) breakfast, (30) table, (31) Swiss, (32) reading crackers, (33) cinderella, (34) Alexandra, (35) historical, (36) orepa wafers, (37) waverly, (38) dessert, sixteen kinds.

Numbers 1 to 19 seem the most popular, and numbers 7 and 38 are sold in largest quantities to the Chinese. These varieties are all packed in 2-pound tins. In addition, two varieties are packed in 4-pound tins, selling under the trade name of soda biscuit, and water crackers.

The quality of these biscuits is excellent, they keep well, and appear fresh even after having been in stock for some years. Only the best quality of goods is sent to this market.

#### HOW TO BUILD UP AMERICAN TRADE.

The trade in biscuits of English make has been gradually built up without any special advertising campaign, simply by the method of supplying a good class of goods, selling to the large stores in Shanghai, the manufacturer having an agent in that city to superintend the introduction. An American quality of biscuits would probably have to be introduced in an entirely different way. Some time ago a Pacific coast manufacturer sent an assortment of samples to a local firm; they were well packed and labeled, and an excellent quality of goods. The wholesale price in quantities was not given, however, and when the goods were shown to native dealers they said it would probably be impossible to sell the goods, as the brand was unknown. A thorough selling campaign, by personal representatives must be undertaken before any considerable amount of trade can be expected. The Chinese must first be convinced that the quality of the goods is equal to or superior to the known British varieties, and the prices must then be made attractive so that there will be competition with the goods now on the market. A most important point is the sending of the exact quality in each case.

#### AMERICANS TO BLAME.

One of the objections often heard in foreign markets regarding American goods is that while they are at first better than the goods with which they are competing they soon degenerate when a good trade is established. American manufacturers have not always catered to the oriental markets and the prejudice against them must, in many instances, be overcome before a trade can be established.

Generous advertising might tend toward securing a large trade, as such a campaign carried on by cigarette and other

importers has proved a good method of introducing goods. This advertising must be done by posters, in bright colors, printed in the Chinese language, showing pictures of the biscuits to be sold, etc. Illustrated pictures showing the outside of the tin only will not be successful in the beginning, but may prove useful after the goods have become known. Many of the walls of Chinese cities are placarded with cigarette and patent medicine advertisements, and this means of introducing these goods has been found successful. A recent introduction shows a full life-sized Chinaman dressed in official costume holding in his hand a box of medicine. These figures are printed on heavy cardboard and are set up in the interior of the shop or hung in prominent places on the wall, and will doubtless add to the trade.

### DAIRY INDUSTRY OF DENMARK.

#### COPENHAGEN MILK SUPPLY—BUTTER MANUFACTURE FOR EXPORT.

The following report concerning the manner in which the milk supply and the manufacture of butter are conducted and protected in Denmark is furnished by Secretary of Legation Charles Richardson, of Copenhagen:

The Copenhagen Milk Supply Company was started in 1878 by some of the foremost medical authorities of that city. At present the company is supplied with milk from about 40 farms, situated within a radius of from 16 to 18 miles. Over 5,000 gallons of milk arrive daily by mail. The ice storehouse alone can hold 3,000 tons of ice.

The most rigid provisions as to feeding and management of cows are enforced by the company. In order to secure a uniform temperature of milk special milking cans are provided. They are cylindrical in shape and fitted with hollow, globular bottoms packed with ice and salt, upon which surface the milk falls. The milk must be delivered in cans furnished by the company, once or twice daily, at the nearest railway station. Veterinary surgeons employed by the company make fortnightly inspections of all the farms, and the tuberculin test is insisted upon. Any cow declared by the surgeon to be suffering from tuberculosis must be immediately removed from the herd. Inspectors also pay regular visits to insure that there is strict conformity with the rules, and special dairymaids are engaged whose business it is to visit the farms and enforce the prescribed milking conditions. In short, supervision is pushed to the greatest extent in order to guarantee a pure and uniform milk supply.

#### TREATMENT OF THE MILK ON ARRIVAL.

The milk is brought into the dairy about 9 o'clock at night, the morning's supply having been skimmed and kept all day in an ice room. On its arrival the milk is weighed, its temperature is taken, and if this should be over 8 degrees C. it is rejected and the contracting farm is warned of this defect and receives no compensation. If the temperature test is satisfactory, the milk is tasted by a skilled dairy maid and an analysis of its percentage of butter fat is taken. The next process is that of filtering. The milk is poured through gravel layers into a storage tank, whence it is drawn off and bottled. The filter and tanks are changed daily. The milk is drawn off into glass bottles, corked by a mechanical process, and the bottles are sealed and tied down with thread. The business of drawing off the milk, bottling, and tying down the corks is done entirely by women in spotlessly clean white dresses and caps. The bottles are then put into racks, packed in ice for the night, and distributed in the company's vans early next morning. The filtering and bottling of the cream is carried on in the same way.

The cleansing of the milk cans is an important feature. The cans are first sprayed with cold water, then they are thoroughly scrubbed inside and out with hot water and soda. They are then fixed on a slanting wheel, which revolves slowly through a bath of lime water, and finally sterilized, which is effected by spraying with steam jets. The bottles do not go through quite the same complete process. They are merely washed with soda and water, and the inside is cleansed by means of a mechanically worked revolving brush and rinsed out with cold water. They do not appear to undergo any form of sterilization.

All profits exceeding 5 per cent go toward reducing the price of milk which is sold to charitable institutions, such as creches, homes, etc. The price paid to the farmers who supply the company with milk is between 16 and 18 cents a gallon, and the sale prices of the milk are 4½ cents a quart for whole milk, 2½ cents for half skimmed milk, and 6 cents for pasteurized milk for infants.

#### BUTTER MANUFACTURE.

Denmark exports to Great Britain over \$48,600,000 worth of butter yearly, and though it is well known that the success



of the export trade rests largely upon the economic working of its cooperative principle, the realization of what cooperative dairying means is not fully impressed upon our minds until we are brought face to face with a practical instance. Trifolium dairy, the largest cooperative dairy, uses about 77,000 pounds of milk daily, and the output of butter varies from twelve to fourteen tons a week. Special vans owned by the association, whose members consist chiefly of the large farmers, collect the milk daily from a radius of about 12 miles. The milk arrives at the dairy between the hours of 7 and 11 in the morning, most of it passes immediately through a separator, but a certain amount is set aside to be used with the separated milk for the production of cheese.

Pasteurizers involving a temperature of 176 degrees F. and refrigerators are attached to each separator, of which there are six in daily use, the separated cream passing through to storage vats, where it remains for twenty-four hours before being churned into butter. The separated milk is conveyed by pipes into the cheese vats, in which the process of agitating the curdled milk is entirely manual. Most of the cheese goes to Germany, but a certain proportion is sold in Denmark.

Women are chiefly employed in the butter making department. Their wages vary from \$4.08 to \$9.12, with board and lodging, a month. The butter is worked partly by hand, both before and after it passes under the circular wooden butter presses. It is then packed either in six pound boxes or in casks holding 110 pounds, and placed in cooling rooms, with insulated roofs, for two days. Here, as in all milk supply companies and dairies in Denmark, there is a large stock of ice, and all the dairy utensils undergo a systematic and thorough cleansing each day. The Danish milk is not considered as rich as milk obtained from Jersey cows.

The number of cows in Denmark in 1903 was 1,066,698, of which somewhat less than 900,000 were on farms delivering milk to the cooperative dairies.

In the Trifolium dairy power separators are used. The machinery is almost invariably supplied with steam driven centrifugal machines, and has one or more separators and pasteurizers, according to the amount of milk dealt with.

#### PRIVATE AND COOPERATIVE DAIRIES.

The kind of organization employed in Denmark is mainly cooperative. In 1907 there were in all about 1,085, with 158,170 members. As a rule, the members are bound to the enterprise for a period of ten years. The capital required to start an average Danish creamery, of which there were 1,345 in 1908, varies from \$5,532 to \$8,290.

The price of the milk depends on its proportion of butter fat, but the average price paid to the farmer is about 12 cents a gallon. This is the price in the country districts, but, as has already been stated, the Copenhagen Milk Company pays a higher rate. With regard to the skimmed milk, buttermilk, or by-product, it may be said that nothing is wasted, for that which is not retained for cheese making purposes is sold at a very low price to the farmer for pig food.

#### DR. WILEY AND THE CHICKEN.

Dr. H. W. Wiley, the government conservator of good food, almost broke up a dinner party on a dining car that is run between Washington and New York.

The car was well filled when he entered, and, seeing that roast spring chicken was the head-liner on the menu, he ordered it.

When it was brought on, he examined it carefully, and then, calling the waiter to his side, said in a voice that carried throughout the car:

"This chicken has been in cold storage eight months, three weeks, four days, and five hours. It has Bonassa Umbrellas. Take it away."

The dining car conductor took Dr. Wiley's name, reported the incident to the superintendent of the dining car service, and an order subsequently was issued that no cold storage fowl should be served on that railroad.—Christian Endeavor World.

#### PURE FOOD VIOLATORS PAY STIFF FINES.

Deputy State Dairy and Food Inspector E. L. Aderhold is after the violators of the Wisconsin pure food law. John Enz and Chris Jorgensen of New Denmark, were arrested on the charge of operating cheese factories that were unsanitary and unclean. They were arraigned in municipal court and plead guilty and paid fines of \$25 each. Enz paid costs of \$10.28 and Jorgensen \$11.35.

#### PROSAIC FACTS BEAT ROMANCE IN CHEMICALS

**Blush of Youth Becomes Plain Water and Coal Tar—No Excuse for Fancy Even in the Addition of Perfumes—Board of Drug Inspection Becomes Something of a Breaker of Idols.**

Because the board of food and drug inspectors of the United States department of agriculture has no conception whatever of the value of mental suggestion, but pins its faith upon such prosaic facts as chemical analysis, Maude Yale Bishop Wilsea, more commonly known to the multitude as Mme. Yale, the beauty expert, had 85 dozen packages, more or less, of her various aids to feminine beauty, seized by the United States courts, merely because they were not properly labeled.

Everyone knows that mental suggestion is a potent asset, a help in anything. Yet the board of food and drug inspection insists that she shall sell certain of her skin foods, "compounded by Mme. Yale personally and protected by a chemical secret," as common every-day vaseline, oil, water, orange water, charcoal and sugar, glycerine, borax, formaldehyde, coal tar dye and perfume. A most prosaic, unimaginative and soulless body of men must comprise that board of food and drug inspection. For Mme. Yale had names, vibrant with suggestion—as beautiful as though a poet had used them in sonnets. Those names alone, without the ingredients they identified, would have made a woman beautiful, have smoothed all the wrinkles out of the cheek of an aged grandmother and left the peach bloom of youth there instead. Those names—how suggestively they trip off the tongue, "Mme. Yale's Excelsior Fruitcura," "Mme. Yale's Blush of Youth," "Mme. Yale's Skin Food," would make a woman with a heart and a soul young merely to read them. Mme. Yale knew this when she discovered her chemical secrets.

But that board of food and drug inspection, soulless and coldly scientific, immediately got their ridiculous crucibles, retorts, their tubes and other things used in analyzing the products of the soulful and called such a combination as "Mme. Yale's Blush of Youth," alcohol, water, glycerine, coal tar dye and perfume.

#### APPROPRIATE NAMES SENT TO SCRAP HEAP BY DRUG BOARD.

This board of food and drug inspection brought a libel against a firm in the District of Columbia, which had 85 dozen packages, more or less, of Mme. Yale's products in stock. It filed a libel suit in the supreme court of the District of Columbia, for the seizure for condemnation of these 85 dozen packages, and had the cold-blooded nerve to actually secure a judgment under a rule established by it concerning the misbranding of drug preparations. As if it could find more appropriate names than those put there by Mme. Yale. It failed miserably to do so, as it simply called her delicately tinted and labeled products, "water," "glycerine," "alcohol," "formaldehyde," and other common everyday names that showed no creative faculty at all. Merely the work of Nilhilism—they could not construct.

It went clear down the list, giving Mme. Yale's description of her products and followed by the analysis of its drug-gists. There is absolutely no comparison between the two. Mme. Yale had much the better of the argument, yet because the board is appointed to censor any labels that are not coldly prosaic, the United States court gave judgment in its favor.

Pure Food Inspector Wilbur Cannon received a copy of this document, listed as "Judgment No. 82." It was published June 30 of this year. Some of the descriptions of Mme. Yale are given below, followed by the corresponding description of that soulless board, just to show how vastly superior is her language, and how lacking in all appreciation of the value of mental suggestion is that board, which did not feel revived itself by just reading them. But probably the members are too old for any regeneration. Quotations from Mme. Yale's advertisements are given here with parts of the comments in the report of the board. Mme. Yale wrote Commissioner Cannon that she had changed her labels and conformed to the pure food act by specifying all that the board, devoid of any feeling for art, required.—Denver Republican.

In Greek Class (Professor to Certain Young Lady)—Can you decline Boy?

Young Lady—I have done such things, professor.



**THE FOOD QUESTION.**

An article by President Brigham of Colgate University on the ability of the United States to support a greater population indicates the persistence of the fear that we may have to face an era when the land will not furnish food to support its population. President Brigham's view in brief is that our population will not increase as rapidly in the future as it has in the past; but that there is still room for immense increase of the food production of the United States.

It is rather singular that the many wise men debating this problem do not perceive that the main question with regard to the food production of the United States is that of getting the labor needed for intensity of cultivation. The United States has an area a little short of 2,400,000 square miles, excluding Alaska. Cultivated as closely as the land of England or France this area would support a population several times more than the present. Cultivated as closely as China or Japan a manifold greater increase would be possible.

But to make it give similar yields and support that population it must have something approximating the labor of those countries. Agricultural machinery, which has largely availed to overcome the shortage of agricultural labor in the United States, favors the cheap cultivation and reaping of large areas. The steam reapers and threshers of the Northwestern farms working over fields measured by square miles, harvest wheat more cheaply than coolies could. But for the intensive culture which secures two or three crops a year from the same land a large amount of manual labor is required.

When the population increases so as to threaten the consumption of more farm products than the farms of the United States can produce under the present system it is likely that farm labor will be more available to produce greater yields by closer tillage. In the meantime, there is no doubt that better fertilization and more scientific methods will increase the production of our farms by a very respectable percentage. It is natural to hope that in the lapse of time this nation will learn enough not to maintain artificial stimulants of the tendency of rural population to drift to the cities.

So it is likely that the food problem will settle itself in time. It is quite possible that the exhaustion of other supplies of vital needs will come before our food gets insufficient. Iron or timber may get scarce; and it is a cogent fact that the water supply of some great cities seems more likely to use up the sources of localities within reach than is the case with regard to food.—Pittsburg Despatch.

**ANOTHER LUNATIC ESCAPED.**

A pure food inspector complained to the proprietor of a restaurant that he had found hair in the honey, hair in the apple sauce, and hair in the sherbert.

"That is queer," said the proprietor. "The hair in the honey must have come from the comb; the hair in the sherbert must have come from shaving the ice, but I can't understand how hair got in the apple-sauce, for I picked the apples myself and they are all Baldwins."—Inland Printer.

Lady—What makes these peaches so unusually high, my man?

Rooney the Peddler—Well, 'tis this way, mem—they come from the top o' the tree.—Punch.

**EXCERPT FROM ADDRESS OF L. F. KEBLER,  
M. S., BEFORE THE NATIONAL ASSOCIATION  
OF RETAIL DRUGGISTS AT LOUIS-  
VILLE ON A NATIONAL NAR-  
COTIC LAW.**

Now, just a word about the narcotic law, because your president brought that point out so prominently. I know the sentiment of the Association, I know the sentiment of every well-thinking man on that point, and it is only necessary to say that we need an anti-narcotic law dealing with interstate commerce; such as your Association has been advocating. That is one of the features that is today giving the state officials more trouble than anything else.

The nondescript, the beggar, the tramp, the know-nothing, is carrying cocaine from one state to another, selling it in violation of jurisdiction where there is an anti-cocaine law.

Just to cite an instance: Last summer, as I came to the office, a pastor said to me, "I have a number of people in my congregation that are cocaine eaters. Can you not do something for us?" I asked him relative to certain things and he said, "Well, a certain firm in a certain state is sending it to a certain parishioner of mine." I said, "Will you let me see the letter?" He said, "No, I have promised the individual I would not let anyone see the letter." I said, "Will you give me the name of the firm?" He said, "Yes."

I immediately sent a decoy letter from the District of Columbia to that firm and it was not five days before I had in my possession a good supply of cocaine. That comes from a state that does not have any anti-cocaine legislation. There is the situation.

I want to say also that the doctors are the greatest transgressors today. As I was coming home from the Arkansas meeting of the American Pharmaceutical Association, I went through Atlanta, and I stopped there for the purpose of looking into the business of one of the institutions treating cocaine addicts. I went through that concern and what do you suppose I found? That that firm had on its regular business books the names of one hundred thousand addicts that had been and were at that time being supplied with morphine by them, and that that firm was sending out tremendous quantities of this material. That firm also runs a sanatorium in Atlanta, Georgia, and at that institution I found a number of doctors being treated, trying to rid themselves of the cocaine and morphine habits.

I met one of the doctors in there and conversed with him. He was intelligent enough and out of stupor to a sufficient degree to do it. I asked, "How much have you been taking?" He said, "The week before I came in here I was in the habit of using twenty-five grains of morphine and ten grains of cocaine."

That, however, is not the sad feature of the situation, but this: That man told me that during that same week he performed major operations, such as hernia, removing the uterus of a woman, amputating legs, etc. That man was debauched to such an extent that he could not attend to his business. There is the situation that we are drifting into today.

**SHOCKING.**

Mr. Fresh Boy—Waiter, has this steak been cooked?

Gaston—Yes, sir; by electricity.

Mr. Fresh Boy—Well, take it back and give it another shock.



### A MOMENTOUS MOVE.

The letter of Dr. A. D. Melvin, Chief of the Bureau of Animal Industry, to the American Meat Packers' Association, which was read at the annual meeting at Chicago last week, was one of the most important documents in packinghouse history. It was the first public utterance of the Government upon the highly important subject of the eradication of tuberculosis. From whatever side this great question is viewed it must be agreed that it is one of the most serious that can possibly confront both the Government and the people.

The tremendous economic loss from tuberculosis in animals is in itself sufficiently important to enlist the services of the Federal Government. The question is how many years it may take to do what the Government proposes. But of even more serious import is the question as to whether the animal disease is communicable to the human species. Meantime our milk, butter, cheese and a portion of the meat supply is being contaminated, and it may be is transmitting the disease to human beings.

Both facts taken together are enough to arouse even the most latent to action. It is fortunate, however, that the Government has for its chief veterinary official a man of the ability, character and energy of Dr. Melvin. His letter shows that he is not blinded by prejudice or favor, and that he can see clearly the exact facts. This being true, it follows that even if his letter had not indicated it—which it did—he is going to take active and energetic steps to wipe out disease.

He has given the subject his careful thought and study for years, and has apparently hit upon the only practical plan for eradication. The first step is to locate the places in which the disease originates; the second is to stamp it out right there. It is at this point that the trouble begins.

It is difficult to get the livestock owner to see the necessity of eradicating the disease, and it is next to impossible to secure state legislation which would be effective. Strangely enough, wherever such legislation is enacted the farmers object on the mistaken ground that it means confiscation of their property. Or they seem to prefer that the disease should exist and increase rather than to take a small individual loss, which in the end would ultimately result in disease-free herds, more meat, more dairy products and more profit for them all around.

Dr. Melvin proposes to overcome the disease by working in connection with the state livestock sanitary boards. The idea is that one or two counties in certain states will be quarantined by the Federal Government, the animals from those counties tagged in shipment, and traced after slaughter if they are found diseased. Then the state boards will clean up the breeding places. To make this work effective, however, it will be necessary to quarantine the counties for incoming as well as outgoing stock, in order to keep them free from disease and not to permit fresh contagion. Following this initial work the plan is to increase the number of counties and to go into additional states, and gradually to spread the work until all localities in which disease is found will ultimately be cleaned up and be given a clean bill of health.

It is a stupendous work, and Dr. Melvin and his able assistants have tackled a hard job. But we have

faith in their success. Their quick work in the foot and mouth disease difficulties, their good sense in the administration of the meat inspection law, and their efficiency in many other cases have proven their ability to tackle the most difficult jobs, and to pursue them to a successful issue.

Should the plan be carried out as indicated it will be a momentous work for the Bureau of Animal Industry, the success of which will mean not only the saving of tremendous economic loss to the country and an increase in our meat and dairy supply, but it will also do much to lay the terrible specter of the great white plague.—The National Provisioner.

### ARMOUR MEAT AT THE POLE.

Meat furnished by a Chicago packinghouse was the first prepared food to reach the North Pole, according to claims made by Armour & Company. Records in the sales department of that company show that on June 20, 1907, forty cases of canned meat and 1,000 pounds of pemmican were shipped to Sydney, C. B., where the John T. Bradley was then being fitted out for the cruise in the Arctic region.

"Our records show that Dr. Cook purchased the forty cases of meat and pemmican, and that it was delivered on board the John T. Bradley," says an Armour manager. "Reports which have been received regarding the explorer's dash for the Pole say that Dr. Cook and his party did not run out of food until on their return trip. If this is the case, we think we have the right to assume that some of the food prepared by Armour & Company reached the North Pole.

"Pemmican is a condensed food, and is carried by Arctic explorers with but few exceptions. Since Dr. Cook took with him 1,000 pounds of this food, besides the large quantity of canned meats, it seems that he intended to make another try for the Pole long before he left this country. Anyhow, unless it is proved to the contrary by Dr. Cook himself, Armour & Company will claim to have been the first packinghouse to have its food taken to the farthest point north in the world."

### A CONVINCING EXPERIMENT.

In this issue is printed the address of Dr. Long, a member of the "Remsen Board," before the Association of State and National Dairy and Food Departments, upon the use of sodium benzoate as a food preservative. To those who are familiar with the properties of that substance, the statement that it could be used to cover up decayed or rotten material was never regarded as anything but a joke, but to those who do not possess such information, the experiment of Dr. Long abundantly confirmed by others, should prove enlightening. In brief the experiment was as follows:

A filthy mass of rotten tomatoes, bananas, etc., was cooked into ketchup, and divided into three portions.

1. One portion was left untreated.
2. One portion was treated with sodium benzoate.
3. One portion was treated with acetic acid, salt, spices, etc., a la the non-preservative ketchup makers.

Portions 1 and 2 were disgusting and inedible, while portion 3 was a fair-tasting ketchup, and would have made an appetizing oyster cock-tail.—Midland Druggist & Pharmaceutical Review.





HE TRIPPED UP THE OLD LADY—BUT HE DID NOT MEAN TO DO IT.

Judge, Oct. 30, 1909.

**SERIOUS PTOMAINÉ POISONING IN GEORGIA.**

More than 100 students in three large educational institutions in Georgia were seized with ptomainé poisoning the last of October. The institutions in which wholesale sickness developed were the Georgia Military Academy near Atlanta, the La Grange Female College, La Grange, Ga., and the Athens Female College, Athens, Ga.

The eating of boiled, boneless ham by the cadets of the Georgia Military Academy is believed to be directly responsible for the development of ptomainé poison in that institution. As Atlanta is the distributing center of a large section of the south, it is suggested by an official of the military school that the diseased meats found their way from Atlanta to the other institutions affected.

At the Georgia Military Academy a number of the cadets ate heartily of the boiled ham. Two sons of President Woodward were the first taken ill, and a score or more soon were complaining. Within three days forty-three were violently ill, necessitating the removal of most of them to Atlanta hospitals, after the college infirmary was filled to capacity. The afflicted boys were first stricken with chills, followed by vomiting, with pulse low and temperature sub-normal. This condition continued, with severe headaches and pains in the muscles and limbs developing on the third day.

Five of the boys recovered sufficiently to go to their homes, while twenty-five are still in local hospitals and eight in the college infirmary. Several others are confined to their rooms.

**CUDAHY & CO. PAY ENORMOUS OLEO FINES.**

The case against the Cudahy Packing Company for violation of internal revenue laws by failing to place stamps of larger denomination on packages of oleomargarine came to an end in the Federal court at Leavenworth, Kansas, by a compromise, when the packing company was fined \$5,000 and agreed to pay a back stamp tax of \$82,777.50 and special tax of \$10,000 for agencies, making the total of \$97,777.50 to be paid by the packing company to the Government. The Cudahy Company was indicted by a Federal grand jury, in Topeka, Kansas in April last on 695 counts. Samples of oleomargarine had been collected by the Revenue Department from every section of the United States, alleged to have been colored by the company, which should have subjected the company to a tax of 10 cents a pound. It was alleged that it was disposed of as the uncolored product, upon which the revenue is but a quarter of a cent a pound. The decree agreed upon before Federal Judge Pollock is a specific penalty in compromise of criminal liability. It is also provided that the oleomargarine under seizure should be released upon being put in legal condition.

**A NEW REASON.**

Hi Medders—"Here, Sam Jones, you thief, what are you doing in my hen house?"

Sam Jones—"I ain't doin' nothin'; I'm one of de food inspectors an' I'se 'spicious of dese heah chickens."



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## DR. DANIEL R. LUCAS AND THE "OPEN DOOR" POLICY.

When, following the call to arms sounded by THE AMERICAN FOOD JOURNAL last July, and as a result of the good work done by Secretary Wilson of the Department of Agriculture, the "open door" policy was really put into force at the Denver convention of the Association of State and National Food and Dairy Departments August last, it appears to have let in a little too much light for some of the Wiley brigade of misty mystifiers, and other national humbugs.

They could not stand the honest, open sunlight. The fresh, pure atmosphere of fair play which rushed in overpowered them. What wonder when the light cut like a sharp blade into their pet personal interests, and in some instances into their pecuniary gains! Most of those who were defeated after the battle was over and the door opened, took their overthrow with some appearance of grace. A few, however, were detected in the act of sneaking into the corner back of the door and endeavoring to close it just enough to permit them to carry on their little game of craps for pennies.

Prominent in this eminent "penny brigade" was one Daniel R. Lucas, M. D., of New York city, who read a paper before the convention. This paper apparently was one of the great events, probably to date the greatest event, in the gentleman's life. This deduction is made from the fact that Dr. Lucas instead of filing his paper with the secretary of the convention in accordance with one of the most important of the "open door" rules adopted, omitted a part of it in his oral presentation, and then sneaked it out of the convention hall with him, and now is engaged in trying to market it, provided he can find a publication easy enough to buy something which, in a measure at least, has already been given publicity.

A. Hanby Jones, Illinois' Stalwart Food Commissioner, unaware that this was the sole collection of ideas which Dr. Lucas had been able to reduce to writing in the course of his career, demanded to know on the floor of the convention if the doctor had read all of his paper. Also he catechized the doctor quite severely in the interest of the "open door" policy, as to the disposition he purposed making of the part of his paper which he had read and of the parts which he had not read. This was unintentional rudeness on the part of Commissioner Jones, for he is the soul of kindness and courtesy, and would not for worlds

have quizzed the gentleman so brusquely had he known that Dr. Lucas merely needed the money.

Dr. Lucas' position is best set forth in the correspondence which his action has given rise to with the editor of THE AMERICAN FOOD JOURNAL, whose sole desire was to present to the readers authentic accounts of what transpired at the Denver convention.

The following letter was received from Dr. Lucas in response to a request for an authentic version of his paper:

"New York, N. Y., Sept. 4, 1909.

"Mr. H. B. Meyers,

"Chicago, Ill.

"Dear Sir: In reply to your communication of the 2d inst. I beg to say that I have submitted my paper to one of the leading scientific journals for publication, and until I know whether it has been accepted by them I am not at liberty to submit it to you. After such time as agreements have been fulfilled in this respect I will be very glad to send the paper to you. Yours very truly,

(Signed). "Daniel R. Lucas, Sanitary Expert."

In reply the following letter was sent to Dr. Lucas:

"Chicago, Ill., Sept. 6, 1909.

"Mr. D. R. Lucas,

"Sanitary Expert, 154 Nassau Street, New York, N. Y.

"Dear Sir: We are in receipt of your favor of the 4th inst., and contents noted. We desire to call your attention to a resolution adopted at the Denver convention which was introduced by Commissioner Burke of Wyoming and seconded by Secretary Allen of Kentucky, which called for the open door policy in that convention, which means that anyone that brought an address and read it publicly the public was entitled to it. While there is no doubt that you have a right to give priority claim to any scientific journal before an address was publicly delivered, I doubt very much your right, at this time, after having delivered the address before the public convention to refuse it to other publications. We do not care so much about whether we publish your address or not, our only object is if we do publish it that it is correctly reported. In the main the public and ourselves have got the large part of your address as taken by our own stenographer, who was present to represent us, but as I stated in my previous letter, there were several pages which were not read on account of its being of a tabulated character, which we, of course, desire to be included in our report of the convention. Therefore, in view of the fact that the discussion centering around your paper and the reports of the Referee Board, was the most important discussion of the convention, and your paper is the only scientific one opposed to the Referee Board, we very much desire to correctly print it so that both sides might have a full and correct representation in our publication. Yours very truly,

"H. B. Meyers."

In answer to this we got back the following intelligent rejoinder from the New York doctor:

"Sept. 10, 1909.

"Mr. H. B. Meyers, THE AMERICAN FOOD JOURNAL, 160 Washington Street, Room 711, Chicago Post Bldg., Chicago, Ill.

"Dear Sir: I have yours of the 6th instant at hand and contents are noted. I believe the Journal with which I am publishing my paper, is the proper scientific channel through which to present the facts. I am surprised at your inference that without absolute data



by which to be sure that your representation is correct you would go ahead and publish incorrectly. If this is the caliber of your paper, I would not care to consider any communication with you. However, the preliminary report which has already been published is at your service. Yours very truly,

(Signed). "Daniel R. Lucas, M. D."

The editor then dictated what is probably the closing epistle in this exchange of amenities, merely to indicate to the public-spirited man of medicine and sanitation, that we had the goods on him from start to finish, and that all his bluster and false pretense was discounted in advance. It reads:

"Chicago, November 8, 1909.

"Dr. Daniel R. Lucas, 154 Nassau Street, New York City, N. Y.

"Dear Sir: Your letter of September 10th, in answer to my communication of September 6th, came during my absence from the city, and has just been called to my attention.

"You say, 'I am surprised at your inference that without absolute data by which to be sure that your representation is correct, you would go ahead, and publish incorrectly.' If you can find any such inference in my letter I would be glad to have you point it out.

"I took the very opposite position when I stated in my letter of September 6th, 'we do not care so much about whether we publish your address or not; our only object is if we do publish it that it is correctly reported,' and as for the caliber of our paper, your inability to read the correspondence correctly shows that your mentality is such that you are unqualified to judge.

"In conclusion it would seem that from the verbatim report of the convention as published on pages 58 and 59 of the September issue of THE AMERICAN FOOD JOURNAL, that you did not at that time intend to have your remarks printed in the official proceedings of the convention, notwithstanding that you knew that the convention had already adopted a resolution calling for the open door policy.

"The following is the colloquy referred to between Commissioner Jones and yourself:

"Mr. Jones (Illinois): Mr. Chairman, I rise to a point of personal privilege. I would like to know if the gentleman read all of his paper or his address? I would like to know of the gentleman if he did?

"Dr. Lucas: Pardon me?

"Mr. Jones (Illinois): I would like to know if you read all of your address?

"Dr. Lucas: I omitted, as I said I would do, the details of experiments on microbe organism, etc.

"Mr. Jones (Illinois): Have you stricken that part out of your paper—that part of your address that you wish to have printed?

"Dr. Lucas: I intended to publish this in full and publish the experiments on microbe organisms in full.

"Mr. Jones (Illinois): That is, without reference to what you read here?

"Dr. Lucas: I shall print all that I read here and in addition a few more points. Yours very truly,

"H. B. Meyers."

So there we have the facts of the case, and a pretty clear idea of why some people fought the open door policy in scientific food discussions for so long.

## COCAINE THE PHYSICIANS, AND THE FOOD LAW

The Coco-Nola Company of Atlanta, Georgia, have just been convicted of selling two packages of Coco-Nola containing cocaine without proclaiming the presence and amount of cocaine on the labels. So far so good. And probably under the Food and Drugs acts the Federal authorities can go no farther. In our humble opinion, in which opinion, however, we are not backed by any resolutions from the so-called Consumers League, or American Medical Association, cocaine should be absolutely prohibited in foods if not indeed in medicines, unless under exceptional circumstances. It should be prohibited in foods sold to adults because many adults are ignorant of its properties, and others though too great familiarity with it are addicted to habitual use of cocaine and thus are a menace to society. It should be prohibited by law in foods sold to children because they can neither read nor comprehend the descriptive label and the penalty for the violation of such a law might justly be placed at one million dollars fine, or imprisonment for life or both at the discretion of the child's mother. It is difficult to understand why certain political adjuncts to a discredited public official spend so much energy in a business controversy between commercial interests in condemning one substance which on the favorably verdict of the highest scientific authority has been declared harmless in foods and which substance is used in minute quantities only, for the commendable purpose of enabling such foods as catchup, apple butter, cider, etc., to be delivered fresh, wholesome and cheaply into the hands of the purchaser and which goods are generally consumed only by adults,—comes in package form with label showing amount and kind of preservative, when these same self-styled reformers preserve an appalling silence on the dangerous and damnable use of cocaine in children's drinks, while the best the government can do is tardily to require a label on the shipping package and that after one state,—Texas—had demonstrated the presence of cocaine in the goods and succeeded in driving them out of the Lone Star state. The facts are that by compact with the chief engineer and beneficiary of the law, the National Food Bill was cruelly crippled to enable the physicians to abolish what they call the "patent medicine evil" by which philanthropic act they can charge you \$2.00 for a cough medicine formula written in Latin and Pigeon English and which is yours until you want the medicine when it together with another 40 per cent of your money becomes the property of the pharmacist, which medicine you might procure ready made, packed and bottled together with all kinds of testimonials concerning its virtues for the small sum of 25 cents. But everybody cannot be a surgeon, race suicide is imminent, and the family physician must earn a livelihood or steal.

The doctors with their co-partners and dupes first attempted to make the patent medicine manufacturers divulge their formula and failed but did succeed in requiring restrictions which compelled every patent medicine manufacturer to print the name and amount of certain constituents on the labels.

In order to give the appearance of fairness and to avoid the change of class legislation the same drugs, although most of them as a matter of fact are never used and should never be used in foods, were required to be mentioned in kind and amount on food packages, on penalty of misbranding as in the case of drugs. Thus it is that foods may contain any amount of co-



caine, opium or morphine without notice to the consumer and be only misbranded, while they may contain a minute quantity of a harmless preservative, with kind and amount plainly stated on the package and be adulterated. "Alcohol," however, was stricken out of the food clause in joint committee of House and Senate at the last moment.

Other restrictions and ambiguous phrases were introduced in the drug sections of the Food and Drugs act, which might be used by partisans in charge of the law to hamper the patent medicines and proprietaries. All this done the doctors rested peacefully in the contemplation of a philanthropic work well done. For a time. Then their contract stared them in the face and they must obey their political action committee and enter into a commercial war between rival food preservative interest because their co-partner had allied himself antagonistic to science and the rational enforcement of the food law. As regards the merits of the law regulating patent medicines, not being a physician we might not be qualified to give an entirely disinterested and philanthropic opinion. But as regards cocaine, we would not in the least object to its prohibition instead of its protection not only in foods but in patent medicines, proprietaries, national formularies, physicians prescriptions and physicians private dispensing preparations.

In fact, if Dr. Wiley decided to fine the Almighty for concocting cocaine in nature's laboratory we would only take issue to be in good company. The other constituents of patent medicines to be proclaimed except perhaps alcohol, are dangerous in medicines as also are thousands that were not named, but any and all of them are deadly in foods, and the danger is scarcely mitigated by a label rescuing the food from the misbranded class. It is plainly to be seen, however, that by eulogizing Dr. Wiley and preserving an eloquent silence about cocaine, the physician increases business at both ends, he creates the need and acquires a corner on the remedy and the price.

Let us believe, however, that the political bosses of the American Medical Association are not actuated by so worse than mercenary motive but rather only wish to recognize in becoming an ethical fashion with grateful appreciation their past obligations.

#### TAKE DEFEAT HARD.

It is an old time trick of those working a scheme to try to make the Devil pose as an adversary. So the Pennsylvania Branch of the American Medical Association, according to its newspaper ally attempted to make it appear that the "interests" were laboring with the members of the Association to prevent anti-benzoate resolutions. All spectators were ordered to leave the room while the members voted (while no one was looking) on the resolution.

According to this same paper two men left the room: namely, Prof. E. E. Smith, Ph. D., M. D., of New York City, who has conducted scientific investigations on preservatives which have been published in numerous scientific journals, and one Bowles of Chicago. Prof. Smith, we know by reputation as a thorough scholar and the report as to him may be true as recent events prove that the American Medical Association would shun anything like a scientific investigation as a tramp shuns water. Mr. Bowles is unknown to food manufacturers and jobbers in Chicago and probably is a mythical personage.

Prof. Ladd in a recent bulletin asserts that probably *the same men* aided the Secretary of Agriculture

to pass the resolutions favorable to benzoate in Denver. This is a lie. Neither of the gentlemen were there. Representatives of many of the large business concerns of the country were there and it was their business to be there. Their names appear on the roster of the attendance at the convention. The Association for the first time in its history was open at all times to any and all who might want to hear and see what was going on. No secret work went on and no secret votes were taken. The only skullduggery at the convention was in the programme which was prepared by the old officers of the Association in executive session—and on which only manufacturers favoring their policies were invited to address the convention. The same commercial favoritism was shown in previous conventions, for all of which Prof. Ladd must bear responsibility. After their attempts to pack the convention, to introduce unauthorized delegates, to stuff the ballot box, all to no purpose against a fair majority, the defeated officials now have the nerve to attribute questionable motives to the victors and to attempt to discredit the Secretary of Agriculture who has been in public life for forty years, every minute to his credit, for upholding the decision of science and the Government even in the citadel of its enemies.

Let it be said emphatically that neither the Secretary of Agriculture nor his allies, a majority of the State food officials of the country, used questionable methods in squelching a scheme and breaking a slate prepared and planned long in advance of the convention and that it little behooves the opposition who did use such methods as clearly shown even by the open records of the convention to charge them with doing so and last of all—Prof. Ladd.

#### CUT IT OUT.

A north side physician writes a letter to the "Chicago Inter-Ocean" protesting against the practice of removing the vermiform appendix, when on examination of the patient the organ is found to be in perfect condition. He takes a strong position against the operation simply for the sake of making an operation and collecting a fee. He claims that the operation is frequently performed without immediate cause and that it is justified by some physicians on the grounds of preventative surgery. The physician, however, is willing to debate this justification with any of his fellow practitioners. He appears to have a poor case.

The appendix is a relic of the time when we walked on all fours, was not needed when we attained an upright position and has through disuse atrophied to its present inconsequential condition in health and its pre-eminent importance when diseased. The operation for its removal when diseased is not usually fatal and when sound may scarcely be considered dangerous. It is axiomatic that if you have no appendix you can not have appendicitis. The tonsil is another supernumerary organ and if removed in youth and in health the patient may almost certainly recover and be assured that he will never have tonsillitis. We are applying the same principle through all the ways of life. We eschew pie which we like for fear of future stomach trouble. We banish cake from the dietary through visions of gout in old age. We inoculate ourselves with cowpox to avoid smallpox, and submit to an injection of one thousand units of antitoxin to escape diphtheria. Why not have the appendix removed and rest secure from appendicitis for the rest of our life?



The only room for argument is whether or not the patient's consent to the operation ought perhaps to be secured. But as the operation is undertaken usually under a mistaken diagnosis the consent of the patient is impossible at the time owing to the unfortunate fact of his being under the influence of an anaesthetic. Otherwise, he might, at the critical moment, advise to have it removed and then he might persist in hanging on to his perfectly good though useless organ. But the surgeon should know best what internal organs one actually needs.

We do not believe that any physician would advise any operation, however important, simply for the fee in sight. While probably no more charitable and philanthropic than the rest of mankind they are at least on a par with honorable business men everywhere who will not accept pay except for services rendered and as agreed on between the parties.

#### THE ALUM SITUATION.

There is no other scientific question over which there has been more controversy and on which men of the highest attainments in science have differed so greatly as the question of the harmfulness of alum and aluminum compounds in food. The question is commercially an important one, as alum is widely used in pickles, baking powder, and the purification of water. Indirectly, also, the use of aluminum utensils recently advocated as an improvement in the hygienic preparation of food is involved. It is difficult to see how the Board of Food Inspection or the departments authorized to make rulings under the law could come to a decision in regard to the use of aluminum compounds in the preparation of food which would be based on conclusive evidence. Indeed it would be an imposition on the authorities on the jumbled data at hand to ask them to render a decision. Therefore THE AMERICAN FOOD JOURNAL recommends that the Secretary of Agriculture refer the question of the use of alum and its compounds in food and water and in articles used in the preparation of food to the Referee Board of Consulting Scientific Experts, which board, after a most thorough original investigation concerning the harmfulness of aluminum in the forms in which it finds its way into food, should be asked to base their conclusions on their own investigations, while furnishing a complete bibliography of all the published data on the subject for reference.

#### THANKSGIVING.

President Taft will soon issue a thanksgiving proclamation and the governors of the several states will follow suit, and such of us as can afford will eat turkey and the rest of us will satiate ourselves with mock duck or cheaper fare. The President certainly has cause to be thankful that Bill Bryan proved a poor presidential candidate. The several governors may be thankful that their opponents did not land in the gubernatorial chair.

The common people, as the vote hunters say, have also much to be thankful for. Those who are well, that they are not sick, and those who are sick, that they are not dead. If for no other reason they may be thankful that other people are thankful. The farmers are thankful for large crops and good prices. The manufacturers, jobbers and dealers that they can add a little extra on the profit of goods over the extra cost of crude material, and the laborer that he can still make and scrape enough together to pay the grocery tariff and other bills. The American citizen may be

thankful, also, that slowly he is beginning to recover from the muckraking era, and to realize that more than one good man and himself are to be found in the world.

#### PROF. LADD EARNS HIS SALARY.

It is not always that the scientist can control conditions and eliminate variable factors so as to draw definite conclusions in a feeding squad as large as even the sparsely populated state of North Dakota. This is no trouble for Prof. Ladd however. It seems that before the food law was passed butchers in that state commonly used *sulphites* in preserving meats, particularly sausages and hamburger steaks. Prof. Ladd says:

"After the food law had been in force for two or three years in the state, and the sale of all food products containing sulphites had been strictly prohibited, physicians in general, and several particularly, have stated to the writer that there had been a marked decrease in certain classes of stomach trouble, previously prevalent. They attributed this to the fact that the people were no longer using this preservative and the disturbances which naturally come from the use of sulphites had been removed until the physicians had been able to notice, in the larger towns, a marked decrease in their office practice for this class of ailments."

#### WILLIAM WOLFF SMITH, PUBLICIST.

William Wolff Smith a publicity expert in the employ of the anti benzoate association is attempting to earn his salary by performing an impartial investigation which leads him to the unwilling conclusion that sodium benzoate is used in waste material used in tomato canning factories. The AMERICAN FOOD JOURNAL doesn't take much stock in the paid publicity expert whether pro borax or con benzoate. Many other food journals published the Langdon-Harris frequent voluntary contributions to the cause of sanitary science, and are now kicking themselves, but the AMERICAN FOOD JOURNAL felt that its clientage was entitled to less disinterested testimony concerning the beneficence of borax than that offered by the Pacific Coast Borax Company. Hence all such contributions were consigned to the waste basket, as will be all communications from Mr. Smith (publicist) on the harmfulness of benzoate of soda which do not inform the public of the inspiration of his pen.

#### HEINZ & CO. IN TROUBLE WITH FOOD LAW.

The U. S. Government is going after Heinz's India Relish of human thumb fame, not on account of improper ingredients but because labeled "India," when in fact made in Pittsburg, U. S. A. THE AMERICAN FOOD JOURNAL is not in entire accord with the ruling under the Food Law under which these cases are brought because it believes that no *actual* misrepresentation occurs, and the effect is to cause loss to manufacturers and raise prices to the consumer, a fact to which the public are just beginning to tumble.

But as the regulations are in force and cases have been brought against numerous other manufacturers, this paper congratulates the Board of Food and Drug Inspection in tardily enforcing the rule impartially and bringing cases against the favorite of the head of the chemistry bureau and sub-head of the legal department, as well as against less favored manufacturers.



**HYPOLITE EGG CASE ENDED.**

The suit brought by the Hypolite Egg Company against Secretary of Agriculture Wilson has been withdrawn by the complainants. The case was set for a final hearing in the court Nov. 5th, but it was discovered that the Hypolite people had withdrawn, and consequently the matter was dismissed. This is the case in which the complainants not only claimed that Secretary Wilson had no authority to prohibit the sale of liquid preserved eggs in interstate commerce, but in extreme terms declared the pure food law unconstitutional in that it relegated police powers to a Federal department. This suit was taken as a text by the paid publicist to send misrepresentations over the country.

District Attorney Baker, acting for the Secretary of Agriculture, some time ago filed a demurrer in the case which was never answered by the complainants.

**ALSOP COMPANY FIGHTING BLEACHED FLOUR RULING.**

The Alsop Manufacturing Company which controls the machinery used for bleaching flour, is planning to contest the ruling of the Secretary of Agriculture that flour must not be bleached by peroxide of nitrogen. They will contribute \$100,000 to a fund of \$200,000 to be used for that purpose. While the millers are interested in the bleaching process because most of them have already installed expensive apparatus which will have to be discarded, yet they only adopted the process because it was forced upon them and it is probable that they will welcome going back to the old conditions. Certainly many of them will not contribute a cent to fight the Secretary of Agriculture's ruling. The owner of the patent may be expected to put up a stiff fight, however, as their future business is at stake. However, their business was good while it lasted.

**WHEN IS AN EGG NOT AN EGG?**

According to the press the Government will insist that an egg be considered adulterated if sold without the shell. That is, it will condemn liquid and powdered eggs as adulterated. This report may be only the expiring effort of a newspaper which thinks it must have a dandy good yarn to feed its hungry readers or again it may have some foundation in fact, for fully as silly stories continually emanate from one member of the Food Board in Washington. Hereafter, when we order fried or scrambled eggs we shall expect to have them served with the shell, and, if they scratch a little going down we will have the consolation of knowing they are good for the gizzard and further that we have received our full money's worth.

**SECRETARY TO SOUTH DAKOTA COMMISSION PROMOTED.**

J. M. Otterness, for years secretary to South Dakota Food and Dairy Commissioner A. H. Wheaton, and who has served in the same capacity for Commissioner Cook since his appointment, has been promoted to the deputyship of the pure food commission. Colonel T. G. Orr, who has been deputy for Commissioner Cook, and who was formerly deputy under Mr. Wheaton, has been in poor health for some time, and it was only at the urgent request of Commissioner Cook that he consented to serve for three months, until the work could be nicely started.

**BUTLER TO TRY BLEACHED FLOUR CASE.**

THE AMERICAN FOOD JOURNAL is able to exclusively announce that Pierce Butler of St. Paul will handle the bleached flour case for the government. Mr. Butler, when still a young man and state's attorney of Ramsey county handled successfully many food cases for the Minnesota Food Commission. We have no doubt that he will acquit himself creditably in this important case.

**MEMORY POOR.**

It is surprising that the complaint that questionable methods were used to pass the so-called benzoate of soda resolutions at the recent Denver convention should come from the faction that attempted to force a telegraphic delegate and a delegate by proxy on the convention out of regular order and for the sole purpose of assisting to elect partisan officers of the convention. Prof. Ladd and others should not conveniently forget which side they were on.

A. C. McClurg & Company issues this month a neat little work entitled "The Up to Date Sandwich Book," compiled by Eva Green Fuller. Between the red covers are to be found 400 ways of making a sandwich from the plebian Boston baked bean's kind to the aristocratic violet variety. The book is encased in a neat little box decorated like the front cover of the box.

Dame Curlsey's Book of Etiquette and Dame Curlsey's Book of Recipes, both by Ellye Howell Glover, are two other recent productions of A. C. McClurg & Co., which we predict will be read well and widely. The Book of Etiquette is complete, to the point, and practical. It is also copiously supplied with printed forms to fit any occasion that is likely to arise in life. Price, 50c. The Recipe Book is, as its author desired, "something different." The little things that are omitted from most collections are thoughtfully suggested together with hints on serving and the customs in good society concerning the proper food for different occasions. Menus for all occasions and kitchen time tables complete the volume of 484 pages. Published at \$1.00.

Mrs. Crane of Kalamazoo preferred charges against the meat inspection bureau of the department of agriculture before the American Public Health Association. The association on investigation found the charges unsupported by evidence. The charges grew out of the issuance of service announcements to the Government employes and the trade and which were not supposed to be interesting to the general public.

The referee board of consulting scientific experts are now in California investigating the use of sulphur as used in the dried fruit industry. Extensive laboratory and dietary experiments have been planned and are being carried out. On the result of these tests rests the future of the dried fruit, molasses, white wine and the various other industries.

The Government, it is said, is unable to get skilled meat inspectors owing to insufficient salaries and the more attractive positions offered by the private packers.

Lost month William Broadwell, Samuel Dreisbach, Daniel Borts and Fred Nelson, of Chicago, Ill., were



indicted by the Federal Grand Jury for unlawfully manufacturing and selling oleomargarine. This makes the forty-eleventh time Broadwell has gotten into difficulty with food officials.

The Bureau of Animal Industry, United States Department of Agriculture, has just issued a fifty-four page bulletin entitled "Camembert Cheese Problems in the United States," and has not once mentioned the words "imitation," "type" or "style." Cannot the department carry out its own regulations?

Prof. H. W. Conn, of the bacteriological department of Wesleyan University, who changed the ripening of butter from a haphazard method to a science through the discovery of B. 41 announces the discovery of another species of bacteria which will turn old and inferior butter into the finest June variety.

The Minnesota dairy and food commission has obtained fifteen convictions so far this month in different cities throughout the state. R. A. Dracel, of Baudette, was convicted for selling imitation raspberry cider for the pure article, fined \$17; Brodin Bros., of Spooner, was fined \$12 and for a similar offense; J. G. Stern, of Warroad, was fined \$15 for selling adulterated maple syrup.

#### IMPURE ICE.

The Chicago Chief Food Inspector outlines the precautions that are being taken for protection of the ice supply, which is soon to be harvested.

Last winter the department collected samples of water and ice from all lakes where ice is harvested for the Chicago market. Laboratory examinations of these specimens showed twenty-four of the sources of supply to be seriously polluted and the ice therefore unsafe for domestic use.

At the time these samples were taken a thorough inspection was made of conditions about the lakes, with special reference to possible sources of contamination of the waters of the lakes. Maps of the lakes and surrounding territory were prepared on which were indicated the location of factories, hotels, residences, barns, privy vaults and other things that might lead to contamination of the lakes. The streams emptying into these lakes were given similar attention.

In many instances the manner of harvesting the ice was found to be very insanitary and the toilet facilities provided for the men engaged in this work were quite inadequate. Horses were, in some instances, stabled near the channel through which the cut ice was drawn, and the water in this channel was clearly contaminated by the discharge from the stables.

With these complete reports at hand it is clearly evident that the lakes in close proximity to Chicago used for the supply of ice, are becoming more and more contaminated on account of the increasing number of factories and summer residences being established on their shores, the sewage from which is discharged into these lakes.

The department is now sending notices to all ice companies who will cut ice at these places notifying them of the existing conditions and asking that these be corrected so far as possible, especially the conditions under which the ice is cut and stored.

#### PNEUMONIA AND BRONCHITIS INCREASING

According to the Chicago health department of the important causes of death, pneumonia shows the greatest increase, the total deaths from this cause passing the hundred mark for the first time since June 5.

The excess of pneumonia and bronchitis deaths over the corresponding week of last year amounts to 39—a very material excess for diseases that, with very simple precautions, could be avoided. By far the greater part of these pneumonia deaths were among adult males, in fact such an excess has been noticeable ever since the cooler weather set in.

Chief among the reasons for an excessive mortality among adult males from the impure-air diseases are the following:

Men more commonly frequent vilely ventilated and therefore grossly insanitary places, than women—such as smoking cars, the air of which is reeking with tobacco smoke and the floors soaked with sputum that swarms with the germs of disease.

Men are more prone to insist upon "nice warm" sleeping quarters, at the expense of proper ventilation and pure air.

Men have the habit of overheating to a greater extent than women, and of then going into the cold air with their systems choked in an effort to dispose of the contents of an overloaded stomach. Congestions that arise after overheating are fertile soil for the development of the germs of pneumonia.

Men, much more frequently, suffer from the ill effects of over-indulgence in alcoholic drinks. The harmful effects are much the same as come from over-indulgence in food.

Men are more generally exposed to the dangers of employment than women—employment that subjects the worker to sudden and pronounced changes of temperature.

Men—more often than women—are "draught cranks." They demand warm quarters and insist upon having them at the expense of pure air to breathe. In other words, men coddle themselves more than women do.

The rules of health that males must follow more generally than they do now if they wish to avoid pneumonia and other impure air diseases are these:

1. Avoid poorly ventilated and foul smoking cars.
2. Keep your bedroom windows open at night.
3. Don't overeat. This is a particularly dangerous practice in winter time.
4. Avoid overindulgence in alcoholic drinks.
5. Don't go into the cold air in an over-heated condition.
6. Don't be a "draught crank." You need all the pure air you can get. If you wouldn't coddle yourself so much you would get purer air to breathe and your chances of avoiding pneumonia would be much better.

The two men were getting warm over a simple difference of opinion.

They turned to the third man.

"Isn't a home-made strawberry shortcake better than a cherry pie?" demanded one of them.

"Isn't a home-made cherry pie better than any shortcake?" inquired the other.

The third man shook his head.

"I don't know," he said, "I board."—Cleveland Plain Dealer.



### WHY NOT TWO CONVENTIONS?

By James Foust, Dairy and Food Commissioner,  
Pennsylvania.

Since the adjournment of the annual convention of the Association of State and National Food and Dairy Departments, held at Denver last August, there has been more or less discussion of its work and of the sum of good or evil resulting from that work. It is admitted on all sides that the one question which occupied the time of the convention and provoked the most animated controversy was that concerning the effects of benzoate of soda upon the human system. It is also pretty generally conceded that the action



COMMISSIONER JAMES FOUST.

of the convention, while provoking considerable bitterness, convinced few if any of those who were upon the losing side. It is a controversy in which distinguished scientists are arrayed against each other and since they strenuously advance and defend radically opposing ideas it is impossible for the consuming public, largely ignorant of chemistry and dependent upon the wise men for information, to come to any settled conclusion. Thus the discussion of such problems in a convention which should devote its attention to practical matters, to matters affecting the administrative features of the federal and state laws, is largely wasted effort. It distracts the attention of the public but it does not inform. It raises doubts instead of settling them. It irritates the minds of the people instead of leading to tranquility.

That Honorable James Wilson, Secretary of Agri-

culture under the National Government, grasped the situation in a little speech delivered at Denver. He suggested that too much time was being devoted to technical matters, to subjects of a nature so abstruse that the average man cannot grasp their import; so difficult of solution, indeed, that the wisest men we have are divided in opinion, one saying this, another saying that, and between them so confusing the layman that he is ready to exclaim: "A plague on both your houses." That is not exactly what Mr. Wilson said, but I think it is pretty nearly what he meant when he reminded the convention that "the good old cow" has been ignored too much of late and deserves some consideration at a convention representing the dairy as well as the food interests. In other words, I think he meant that the dairy and food conventions in the past have laid just a little too much emphasis upon the scientific part of their work and not quite enough upon the practical side. There are others besides the National Secretary of Agriculture who are beginning to cherish and to express similar views. And this is one of the most encouraging and hopeful signs of the times. If it should come to be shared by public officials, as it is felt by the people, the results promise to be highly beneficial.

The fact is that the common people are beginning to express the conviction that there is too much chemistry and not enough of practical discussion and investigation at these annual conventions of the State and National Food and Dairy Departments. The writer suggests a remedy in the separation of the chemists and the Dairy and Food Commissioners. Why not have two conventions, one consisting of the chemists, the other of Dairy and Food Commissioners, and possibly, the Agents of the States and the Inspectors of the Federal Food Department? Both conventions might meet at the same time and place, but each would be a distinct entity, attending to its own business, having its special programme and in no way connected with the other except as its proceedings may supplement those of the other body. In this way technical and scientific problems would be wholly relegated to the convention of chemists, while in the dairy and food convention proper other matters would be discussed. And I think it will be generally admitted that while the analytical work performed by the chemists is of the greatest importance and while their investigations are peculiarly interesting and often very illuminating, yet the problems encountered almost daily in the executive work of the dairy and food bureaus are of equal importance and many of them come much closer to the retailer and the consumer than the matters that come within the province of the chemists.

There are scores of matters that might be discussed with profit by the representatives of the administrative branch of the Dairy and Food Departments at their annual meeting. Various problems concerning the administrative work might be considered. The matter of wages or salaries could be examined. Some States may have a better way than others of getting the samples from the retailers and of transporting these samples to the chemists. The various provisions of the laws of the several States might be compared with each other and with those of the Federal Government. In no other way will greater progress be made toward uniformity in the provisions of the National and State dairy and food laws and in methods of enforcement. It is needless to enlarge upon this branch of the subject. Its potential possibilities for



good will be apprehended readily by all who are interested in the practical side of the pure food problem.

How would it do, then, to divorce the chemists and the Dairy and Food Commissioners and their Assistants and Agents, to the end that each division may be better able to consider its own peculiar problems and that the time of the dairy and food convention may be wholly occupied in the discussion of the questions of administration continually confronting its members? Under such an arrangement as is proposed the dairy and food convention would not give place on its programme to any matter coming under the supervision of the chemists. All such matter would go to the convention of chemists. Should the suggestion herein outlined be adopted no chemist would be eligible to membership in the dairy and food convention proper unless he should likewise be a Dairy and Food Commissioner, nor would the latter be eligible to membership in the chemists' convention. This would greatly simplify matters in every direction and would doubtless be to the advantage of the pure food cause. It would make the conventions of the Dairy and Food Commissioners very much more practical from the standpoint of the consumer and it will probably remove some of the perplexities which now beset the pathway of the retailer.

#### **"THE MEAT INSPECTION ACT NOT COMPLETE. WITHOUT A POST MORTEM EXAMINATION FOR TRICHINAE IN PORK.**

By Lucy F. Doggett, Ass't State Food Chemist.

The meat inspection act is the fruit of much legislation and as good an act as we can expect at this stage of the country's history. After further litigation and experimentation by both food chemists and honest manufacturers, we can make an act better and of more real benefit to the consuming public.

In the near northwest of our country there are a large majority of foreigners who insist on liking and consuming pork which is almost raw and which in many cases swarms with trichinae. Trichinosis occurs in many cases and is frequently diagnosed by the physician as intestinal trouble and let pass as this whereas if we had an efficient microscopical examination of pork in this section of the country for trichinae much of this so-called intestinal trouble which is really from trichinae would be gotten rid of. We have a most efficient corps of inspectors of the government employed in examination of hogs on the hoof and a post mortem examination for some diseases which might occur but the law does not go far enough in this respect. A microscopist has found pork ready to be eaten without further preparation swarming with trichinae. Let us hope that in sections where these foreigners live, the United States and State will both have efficient microscopists to condemn animals infected with this disease where flesh is to be consumed almost raw.

#### **SUSPENSION OF MICROSCOPIC INSPECTION.**

A. D. MELVIN.

(From Report of the Chief of the Bureau of Animal Industry for 1907.)

As the microscopic inspection of pork for trichinae has been discontinued, perhaps the reasons for this action should be made plain. This inspection was inaugurated in 1892 to meet the requirements of Germany and other countries which forbade the importation of American pork unless it had been micro-

scopically inspected. This inspection was applied, however, only to pork intended for export to such countries. Experience has shown that under practical conditions a reliable inspection for trichinae is not possible. In numerous instances trichinous pork has been examined as many as twenty or thirty times before the parasites were found, and in practice it is out of the question to make so many examinations. The failure of microscopic inspection to exclude trichinous pork has been fully demonstrated by the experience of Germany, where a very elaborate system is in operation, with a force of inspectors variously estimated at 25,000 to 100,000, and where, nevertheless, many cases of trichinosis have occurred from eating inspected pork. It was found that some foreign governments, although requiring certificates of microscopic inspection by the United States Government, paid no attention to these certificates, but made an additional inspection of their own, on the result of which depended the admission of the products. In view, therefore, of the expense and the ineffectiveness of the microscopic inspection it was decided to stop it.

This microscopic inspection for trichinae has never been carried on or considered necessary for the protection of the American public. The danger of contracting trichinosis comes from eating pork in a raw, uncured state, and this is not the custom among the people of this country. The trichina parasites are destroyed by thorough cooking or curing. Consumers should understand that the Government mark "Inspected and passed" does not guarantee that the meat has been inspected for trichinae. In all cases, whether pork has been inspected or not, it should be thoroughly cooked or thoroughly cured before it is used for food.

Cases of trichinosis have occurred in this country, and it is suggested that in communities where the habit exists of eating raw or underdone pork the local officials of such communities either try to discontinue this habit or establish inspection stations where such meat can be brought for examination, for although it is not believed that the inspection will eliminate all cases of trichinosis, the disease may be reduced to a minimum.

#### **MORE THAN THE LEGAL LIMIT OF BENZOATE.**

Fifty per cent of the goods sampled by the Pennsylvania Dairy and Food Division, labeled as containing not more than one-tenth of 1 per cent of sodium benzoate, actually contain much more than the legal limit, according to reports to Dairy and Food Commissioner James Foust.

Of the 700 samples of food commodities gathered early in the summer, 75 were samples of tomato cat-sups, or some other condiment in which benzoate of soda is a common preservative. The labels said the goods contained the legal limit of one-tenth of 1 per cent.

These samples were analyzed by Professor Charles H. La Wall, of Philadelphia, and half of them were found to contain more than the legal limit of dope. It was not at all uncommon for the percentage to be three-tenths of 1 per cent or three times the quantity allowed by the Murphy bill.

All the samples in question were purchased in Dauphin, Clearfield and Blair counties. Several fines of \$60 each, in addition to the costs, have already been imposed in Dauphin county upon pleas of guilty. Several more cases have been brought against Altoona violators; and others are pending in all of the counties.



### CANDY IS BLAMED FOR POISONING SIX.

**Members of Three Families Are Made Extremely Sick by Eating Confections—Police Prosecutor to Investigate Source of the Trouble.**

Six persons in three families were made extremely sick Saturday night by eating candy bought in an East End confectionery store.

Police Prosecutor Feniger, who heard of this yesterday, started an investigation and obtained a sample of the candy. He will have it analyzed, as he suspects poisonous ingredients.

Within an hour after eating the candy all became ill and one became unconscious. All were attended by Dr. J. F. Davidson, who worked on them until nearly midnight.

Mr. Samuel Grossman, 2508 E. 39th st., and Mrs. A. Schwartz, The Reginald, E. 40th st. and Woodland av., S. E., walked from Mrs. Schwartz's residence to Woodland av. and E. 55th st. Saturday night shortly after supper. On the way they bought a small bag of candy and each ate a piece of the candy. On the way home a half hour later Mrs. Grossman became sick.

When the women reached The Reginald Mrs. Schwartz also became sick. Neither thought the candy was the cause of her distress and gave some to others at the house. In a short time Miss Mollie Schwartz, Miss Sarah Schwartz and Ed Schwartz were complaining of feeling sick and described symptoms, similar to those noticed by Mrs. Schwartz and Mrs. Grossman.

Before Dr. Davidson arrived at the house three of the women were prostrated and Myrtle Schwartz was showing signs of illness. While the doctor was examining the patients Mrs. A. Schwartz became unconscious and remained so for twenty minutes.

At 11:30 Mrs. Grossman, who had been put to bed, was removed to her home in a carriage, while Myrtle went to her home in Warrensville with her father. With the exception of Myrtle, all were feeling better yesterday, but were unable to walk out. Myrtle is under a doctor's care and is still sick.

When Feniger heard the story he had one woman taken in a carriage to the confectionery store to buy more of the candy. This, with a piece bought the night before, he will have examined by the city chemist.

"It seems strange that six people from three different families that had not been together at meals should be taken sick at the same time after eating candy," said Feniger last night. "There must be a common cause, and since the candy was the only thing that all had eaten it looks as if it were the cause."

"Candy manufacturers use coloring matters sometimes that are poison in large quantities. It may be that too much of some such stuff got into this candy. There are also flavoring extracts, preservatives and artificial sweetening substances that cannot be used safely and are unfit to be eaten."

"If an analysis shows the candy was impure I will issue warrants and prosecute the proprietor of the store and the manufacturer who made the candy. Candy containing poisonous ingredients ought not to be made and those instrumental in putting it before the public should be punished with the heaviest penalty."—Cleveland, Ohio, *Dealer*.

### THE DOCTOR'S FUTURE.

We do not mean the future life of the doctor, but the doctor's future in this life. Notwithstanding the great strain of modern life and the increase of certain classes of diseases, sickness is decreasing as people are learning how to live more rationally. A knowledge of the art of living, including diet, exercise, breathing, rest, recreation, and the out-door life, is contributing greatly to the public health and lessening disease.

In addition to this, there is a steadily increasing dependence upon non-drug methods under various physiological forms and psycho-therapy. Dr. Eliot, President of Harvard College, recognized this condition in an address he made some time ago at a meeting of the Aesculapian Club of Boston. He said in part:

"The growth of preventive medicine and the development of the forces which make for eradicating the causes of disease must in the future seriously impair the practice of medicine and surgery as a livelihood-yielding profession."

"The great scientific powers of preventive medicine are going to have a marked effect on the medical profession. The great discoveries take effect in the domain of preventive medicine. Must we not, therefore, attend to preventive medicine as the root of the medical profession hereafter? We see, however, in this direction a chance of a livelihood. It is good to see how salaried places are developing in the realm of preventive medicine and how good the salaries have come to be. I believe that in the realm of preventive medicine the greater part of the work of the medical profession in the future is to be done."

"But the practice of medicine will be seriously affected if preventive medicine continues to succeed and the very sources of livelihood in medical practice will be dried up. We might think that surgery would remain a better place as a livelihood than medicine. That, however, may well be doubted, because the discoveries of preventive medicine tend to prevent the natural disorders for which surgery is used."

"Shall we not welcome this situation, realizing that in every source of human activity an ounce of prevention is better than a pound of cure? It is to this prevention that the medical education of the future should be directed."

There is no question but that doctors should be teachers of the laws of health and some system or plan should be devised by which they will be paid for services in this direction, and this means that the people must learn that it is of greater importance to keep well than to get sick and be cured, and they must be willing to pay for such advice as will lead to this.—A. T. in *Health Culture*.

### AMERICAN PHARMACEUTICAL ASSOCIATION TO URGE LEGISLATION.

Washington, Nov. 4 (Special to the N. Y. Journal of Commerce).—The American Pharmaceutical Association at a meeting here last night almost unanimously resolved that no medical formula should be patented. That such a law would have passed at the last session of Congress, but for the opposition of patent lawyers was the statement of Samuel L. Hilton, who announced that another bill has been drawn limiting the application of patent trade mark and copyright laws as respects medicines.

The increasing use of patent medicines was deplored by Dr. Harvey W. Wiley.



**PURE MILK FOR CITIES.****Efforts Being Made by the English City of Birmingham**

Consul Albert Halstead furnishes the following copy of a circular issued by the health department of Birmingham, containing suggestions looking to making the milk supply of that English city as free as possible from the infection of tuberculosis. The circular is addressed to the owners of dairy herds supplying milk:

The health committee desire to offer you the necessary veterinary assistance and tuberculin on the conditions set out in this letter. The primary object is that the milk supply of Birmingham shall be as free from the infection of tuberculosis as possible. In addition there will be the great advantage of preventing the ravages of tuberculosis among your dairy herd and the consequent gain involved. The details of the scheme are as follows:

(1) The scheme to apply only to cow sheds situate within 10 miles of the city, and from which milk is sent to Birmingham, with the additional limitation that it shall only apply to sheds suitable for the purpose; (2) the corporation to supply free of charge the necessary tuberculin and veterinary assistance for the testing of the cows twice annually, and also the necessary veterinary assistance and advice in carrying out the scheme; (3) the farmer to undertake to separate the diseased from the healthy cows and to gradually get rid of the diseased animals. Cows with tuberculosis of the udder to be dried off and sold for slaughter; (4) the farmer to permit the marking of animals free from tuberculosis by means of a lead button on one ear; (5) the farmer to carry out the necessary disinfection after the removal of an infected cow from the shed; (6) a certificate to be issued quarterly to those farmers who keep their herds free from tuberculosis; (7) a list of farms at which the cattle are being kept free from tuberculosis to be printed and supplied to any person in Birmingham who desires such a list.

**NEWSPAPER COMMENT ON THE MOVEMENT.**

An editorial in the Birmingham Post commending the health office for its effort to secure pure milk for the city, manifesting appreciation of every effort to eradicate the scourge of consumption, remarks the fact that there are more than 200,000 men afflicted with tuberculosis in England and Wales and that the agitation for a purer milk supply is the direct consequence of a knowledge obtained through expert scientific and medical investigation that in a certain proportion of cases human tuberculosis results from the consumption of milk infected with tuberculosis. It then comments upon the new policy as follows:

The scheme of the Birmingham health committee will endeavor to combat the disease at its source, by supplying dairy farmers, free of charge, with the necessary tuberculin and veterinary assistance for the testing of their cows. The idea is that by these means diseased animals may be weeded out of the herd and that eventually the city may hope to receive a supply of milk absolutely free from the taint of the germs of tuberculosis. It is admitted by the health committee that there must be a slight increase in the price of milk for a good many years to come, but the milk supply of the city ought ultimately to be above suspicion. Samples of milk delivered in the city and analyzed have revealed that the contents of from 10 to 14 per cent of the churns contain the living germ of tuberculosis. This is an unsatisfactory, not to say

serious, condition of things; one in which no local authority with a conscientious regard for the maintenance of the public health, and especially for the prevention of excessive infantile mortality, can tacitly acquiesce. We hope the health committee will overcome the difficulties in the path of reform and realize their ambition. There can be no difference of opinion as to the necessity of supporting any provisions that are calculated to check the evil and eliminate the dangers associated with either tuberculous milk or any other impure article of food.

**THE KOCA NOLA COMPANY IN COURT.**

The Koca Nola Company enjoyed a disagreement with the Government in the courts at Atlanta, Georgia. The Government officials claimed that they violated the pure food and drug laws in failing to specify the presence of cocaine upon the labels of two packages of syrup which were shipped to New Orleans and Washington.

Dr. Kebler in charge of the drug department of the Department of Agriculture, swore that the proportion of cocaine present in the package amounted to about 1-200 of a grain to the glass. He also testified to the deleterious effects of cocaine upon the system and described some of these.

Dr. R. R. Kime, of Atlanta, Ga., also testified as to the deleterious effects of cocaine, and stated that if he knew that a dose of medicine contained 1-200 of a grain he would not take it under any circumstance.

The evidence of Mr. Austin, president of the Koca Nola Company, proved to be highly interesting. He sketched briefly the manner in which the Koca Nola Company was formed, and said that it was for the manufacture of a harmless drink. He admitted that fluid extract of coca leaves was used in the manufacture of the drink up to a few months ago, but insisted that the company supposed the fluid to be decocainized and perfectly harmless.

The witness admitted the presence of cocaine in the fluid, but stated that it was in infinitesimally small particles, not enough to be injurious in the least. He said that no process had been discovered whereby cocaine could be entirely eliminated from the fluid extract, but that the drug was present in portions so small as to be absolutely without potential for harm to the drinker. He said that the original formula required 1 1-4 gallons of fluid extract of coca leaves to every 20 gallons of Koca Nola.

Dr. Eberhardt, a chemist of Atlanta, testified that he had made an analysis of two bottles of Koca Nola, and that he found no cocaine there. He admitted, on cross-examination, that these bottles contained only about an ounce of the syrup, and had not been taken from the packages which the government has. He stated further that in such bottles, containing an ounce of syrup and the rest carbonated water, it would have been practically impossible to detect the presence of cocaine.

The Koca Nola Company were found guilty and fined \$25 each on several counts.

**"LOOK IN THE BOOK AND SEE."**

At any rate in substantiation of Dr. Wiley's conclusions that benzoate of soda as a food preservative provokes digestive derangement, it can be clearly established that nature uses neither benzoic acid nor benzoate of soda in the most nutritious foods it prepares for man's sustenance.—Chattanooga Times.



**STANDARD WEIGHTS FOR FLOUR PACKAGES.**

Secretary Goetzmann of the Miller's National Federation has been taking a vote of the members on two points: Members have been asked to state first, whether they think the Federation should go before Congress and ask for a law to define what shall constitute a barrel of flour and its fractional parts; and, secondly, whether they are in favor of adopting the decimal system, making a barrel of flour 200 pounds, a half barrel 100 pounds, a quarter barrel 50 pounds, and so on.

We doubt whether there will be much dissent from the first proposition. Twenty-two states, including the most populous in the country, have no state laws regulating the weights of flour packages. To add to the confusion, such laws as exist in states where regulation has been attempted are without uniformity. There are, for instance, four states where 96 pounds constitute a half barrel. In ten states 48 pounds is a legal quarter barrel. Two states make allowance for variation in weight. Chaos exists in state requirements in regard to flour packages. This was shown in the able paper read by Mr. Thomas L. Moore of Richmond, Va., at the convention at Chicago last May. Mr. Moore also demonstrated that Congress has ample authority to pass a law fixing the weights of flour. A national statute would certainly be a step towards securing uniformity, for sooner or later state laws would have to conform.

As for the second proposition, we doubt if the 200-pound barrel of flour will commend itself to millers. While it is not apparent on the face of it, the American weight of 196 pounds is based on the same unit as the English flour packages of 140 and 280 pounds. These are respectively 10 stones and 20 stones of 14 pounds, while our barrel of flour is 14 stones. The decimal system has not gained much headway in the older English-speaking countries. For some reason, the Anglo-Saxon prefers to stick to his traditional weights and measures. But that constitutes no reason why Congress should not fix the weight of a barrel of flour and its fractional parts.—American Miller.

**GENERAL HEARING CONCERNING COCOA AND CHOCOLATE.**

Representations have been made to the Board of Food and Drug Inspection, Washington, D. C., by manufacturers and dealers concerning the application of the terms "cocoa" and "chocolate," as defined on page 17 of the Standards of Purity for Food Products, published as Circular 19, Office of the Secretary, United States Department of Agriculture. It is deemed advisable to secure further information respecting the use of these terms. Manufacturers and dealers are therefore invited for a hearing which will be held by the Board of Food and Drug Inspection, Washington, D. C., in the board room, Department of Agriculture, at 10 a. m., November 23, 1909, on the following points:

What is the proper significance of the term "chocolate" and its correlative terms "plain or bitter chocolate," "sweet chocolate," etc.?

What is the proper application of the term "cocoa" and its correlative term "sweet cocoa," etc.?

The board is desirous of hearing the views of manufacturers with regard to the use of these terms in this and other countries.—American Grocer.

**THE TEN DEMANDMENTS.**

A Chicago man who has a large number of employes under him, has posted up in the various departments of his establishment cards which bear the above caption and the following terse rules. These make it very plain what he expects, and what he does not expect, of those who draw salaries from him:

Rule I.—Don't lie—it wastes my time and yours. I'm sure to catch you in the end and that's the wrong end.

Rule II.—Watch your work, not the clock. A long day's work makes a long day short and a day's short work makes my face long.

Rule III.—Give me more than I expect and I'll pay you more than you expect. I can afford to increase your pay if you increase my profits.

Rule IV.—You owe so much to yourself that you can't afford to owe anybody else. Keep out of debt or keep out of my shops.

Rule V.—Dishonesty is never an accident. Good men, like good women, can't see temptation when they meet it.

Rule VI.—Mind your own business and in time you'll have a business of your own to mind.

Rule VII.—Don't do anything here which hurts your self-respect. The employe who is willing to steal for me is capable of stealing from me.

Rule VIII.—It's none of my business what you do at night, BUT if dissipation affects what you do next day and you do half as much as I demand, you'll last half as long as you hoped.

Rule IX.—Don't tell me what I'd like to hear, but what I ought to hear. I don't want a valet to my vanity, but I need one for my dollars.

Rule X.—Don't kick if I kick—if you're worth while correcting, you're worth while keeping. I don't waste time cutting specks out of rotten apples.—Retailers Journal.

**DIPHTHERIA ANTITOXIN FREE IN ILLINOIS.**

Diphtheria antitoxin for the treatment of diphtheria is now furnished by the State of Illinois free to any physician who will apply at any of the new distributing stations established in Chicago by the State Board of Health. Two of the distributing stations have been established and are now giving out antitoxin.

To procure free antitoxin the doctor must apply in person at the distributing station and sign a receipt for the amount furnished, or he may write a prescription for the amount required and send a messenger for it. In the latter case the doctor must properly fill out and sign the buff colored receipt which is wrapped around each package of antitoxin and mail it at once, together with the carbon copy of this receipt, to the distributing station from which the antitoxin was procured. Inside the package will be found a clinical report, which must be filled out and signed by the doctor when the case of diphtheria is terminated. This clinical report must be mailed to the laboratory of the State Board of Health, Springfield, Ill.

Any physician failing to fill out, sign and return the receipt to the antitoxin agent, or who fails to fill out, sign and forward to the laboratory of the State Board of Health at Springfield, Ill., the clinical report required will be refused further supplies.

If for any reason antitoxin obtained from the antitoxin agent is not used, it must be promptly returned to the distributing station from which it was procured.



**A SIMPLE WAY TO TEST MILK.**

The following process for the detection of added water or of skimmed milk in ordinary milk is more accurate than the simple use of a lactodensimeter, without the creamometer check. The whole test, says the *Scientific American*, can be made in five minutes. The result does not show whether the adulteration consisted in the addition of water or in the subtraction of cream, but as a rule this matters little to the consumer. What he wants to know is whether or not he got what he paid for.

The suspected milk is stirred with a spoon, in order to disseminate into the whole liquid the cream which may have come to the surface. Then one volume of milk is poured into fifty volumes of water. (One fluid ounce to two and a half pints.) A candle is lighted in a dark room. The experimenter takes an ordinary drinking glass with a tolerable flat and even bottom, and holds it immediately above the candle, at a distance of about one foot from it, so as to be able to see the flame of the candle through the bottom of the glass. He then pours slowly the diluted milk into the glass.

The flame becomes less and less bright as the level of the liquid rises into the glass. The flame is soon reduced to a dull white spot. A little more liquid, slowly added so as to avoid pouring an excess, and the flames become absolutely invisible. All that remains to be done is to measure the height of the liquid in the glass, this being most conveniently ascertained by dipping into it a strip of pasteboard and then measuring the wet part. It should measure not over an inch if the milk is pure. With good quality milk, diluted and tested as stated, the depth will be about seven-eighths of an inch before the flame is lost to view.

A mixture of one volume of milk and a half a volume of water should show a depth of one and one-half inches. A depth of two inches indicates either partially skimmed milk or a mixture of one volume of good milk with one of water, and so on.

**A MOVEMENT AGAINST SLAVE-GROWN COCOA.**

The widespread agitation against slave-grown St. Thome cocoa, which has stirred Great Britain during the past year, has now extended to America. It is reported that numbers of our manufacturing confectioners have refused to buy the St. Thome beans. Slavery is sufficiently abhorrent in these days to arouse the intelligent masses to practical action against it. It needed, however, such initiative as has been given the present movement by the great Cadbury concern and other important cocoa and chocolate houses of England to produce results. St. Thome is a Portuguese trading centre upon the west coast of Africa, in a region especially well adapted for cocoa production upon a large scale. Missionaries have long protested against the use of slaves in this industry. From a humanitarian standpoint it is well that Anglo-Saxon attention has been so forcibly called to the evil, which has, also, its economic aspect as it is likely that, in time, the increased growth of cocoa by slave labor and consequent cheapening of that product at the hands of the dealers would discourage free-labor production elsewhere and finally result in our dependence upon restricted sources of supply upon such terms as those in control might see fit to dictate.—Confectioner's Journal.

**HEINZ'S "INDIA" RELISH SEIZED.****Labels on Cases and Bottles Claimed to Be Misleading.**

Washington, Nov. 2 (Special).—District Attorney Baker, acting in the behalf of the Board of Food and Drug Inspection, yesterday seized five cases, containing one dozen bottles each of "Heinz's India Relish" within the District of Columbia. It is said that the label on the cases and bottles is that it contained the word "India" is misleading.

The board thought that it lead the consumer to believe that the relish came from a foreign country, when it is believed that the products going into the relish are all of domestic origin.

The Bureau of Chemistry of the Department of Agriculture will make a thorough test of the relish before the case is brought to trial in the local court.—New York Journal of Commerce, Nov. 4, 1909.

**STATE TO PROBE CAUSE OF DEATH.**

State Dairy and Food Commissioner Dunlap has ordered an investigation of the death of Charles A. Kloebe, chairman of the Democratic State Central Committee, from ptomaine poisoning, caused by eating tainted oysters. Deputy Charles McIntyre of St. Marys, has been sent to Celina to look into the circumstances of the death. He will ascertain the circumstances under which the oysters were secured and eaten, where they were purchased and by whom shipped into the state. A recent order of the commissioner prohibits the shipment of washed or bloated oysters, and the deputies are instructed to prosecute all who sell oysters which have not been shipped in sealed receptacles in which no water nor ice have been put.—Columbus, Ohio, Dispatch.

**COMMISSIONER WRIGHT SAYS LAWS ARE VIOLATED.**

State Food and Dairy Commissioner H. R. Wright has instituted four new actions against merchants for alleged violation of the state pure food laws.

The Sanborn Co-operative Grain Company has been made defendant in an information filed in justice court in Sanborn, charging the concern with selling ground mixed feed which was not tagged and of which no analysis was shown.

The Grain Growers' Association of Melvin is charged with selling middlings which were not properly tagged.

U. F. Haeussler of Monticello is charged with selling lard containing beef stearin without a label so showing.

H. J. Doering of Fort Madison is charged with selling lard which was not pure.—Des Moines, Ia., Register.

**GOSPEL OF GOOD BUTTER.**

Good butter, with all the pleasant visions which the words bring, is not to be such a scarce article as it seems to be at present, if the Burlington road can do anything to help make it more plentiful.

The Burlington will run a special train over its lines on part of the system and perhaps all, from which will be preached the gospel of good butter and cheese and how to make them. The speakers will be H. K. Wright, state commissioner from Des Moines; R. D. White, chief of dairy manufacturing investigations



from Washington, D. C.; Prof. H. G. Van Pelt, dairy expert from Waterloo, and R. K. Bliss, from the Iowa State College at Ames. They will talk on dairying and other subjects of interest to the farmers. The lectures will not be delivered with the purpose of furthering the interest of any particular person or corporation, but will be handled in a broad and comprehensive manner, with the sole idea of aiding the farmer to obtain better results from the work he is now doing. The interest of the Burlington road, of course, is only in getting a larger production of the various commodities that the farmer raises; hence its benefit will be from increased traffic only.—Kewanee, Ill., Star-Courier.

#### COCA COLA ANALYZED.

##### Package of Seized Goods Found to Contain Caffeine.

Because Coca-Cola contains caffeine, an alleged harmful ingredient, the makers of this popular beverage will doubtless be tried in Chattanooga for violation of the pure food laws. Last week a car of Coca-Cola from the Atlanta home office was seized here before delivery to the local bottling plant by government pure food officers, acting under instructions from United States District Attorney Penland, and samples of the drink were sent to Washington for analysis. The Bureau of Chemistry of the Department of Agriculture announced recently that the investigation developed that Coca-Cola contained caffeine.

The alleged violation of the pure food law consists not in the introduction of caffeine into the mixture, but in the failure of the name, Coca-Cola, to properly advertise the fact, and the failure of the company to state the fact in the labels on the bottles and other

containers. The Coca-Cola people say in defense that the name is not intended to be descriptive and that, therefore, there is no violation of the pure food laws.

The Department of Justice at Washington said recently that the case would follow the usual procedure. This means that the papers will be turned over to District Attorney Penland and that the trial will be conducted in the federal courts in Chattanooga.—Chattanooga, Tenn., Times.

WILLIS BALDWIN

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# THE AMERICAN FOOD JOURNAL



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## REPORT OF JAMES WILSON, SECRETARY OF AGRICULTURE, ON THE ENFORCEMENT OF THE FOOD AND DRUGS ACT.

The Food and Drugs Act locates in the Bureau of Chemistry the examination of specimens of foods and drugs for the purpose of determining whether such articles are mis-

Secretary to the Board of Food and Drug Inspection and the Referee Board of Consulting Scientific Experts. The legal work is in the hands of the Solicitor of the Department of Agriculture.

### CHEMICAL WORK.

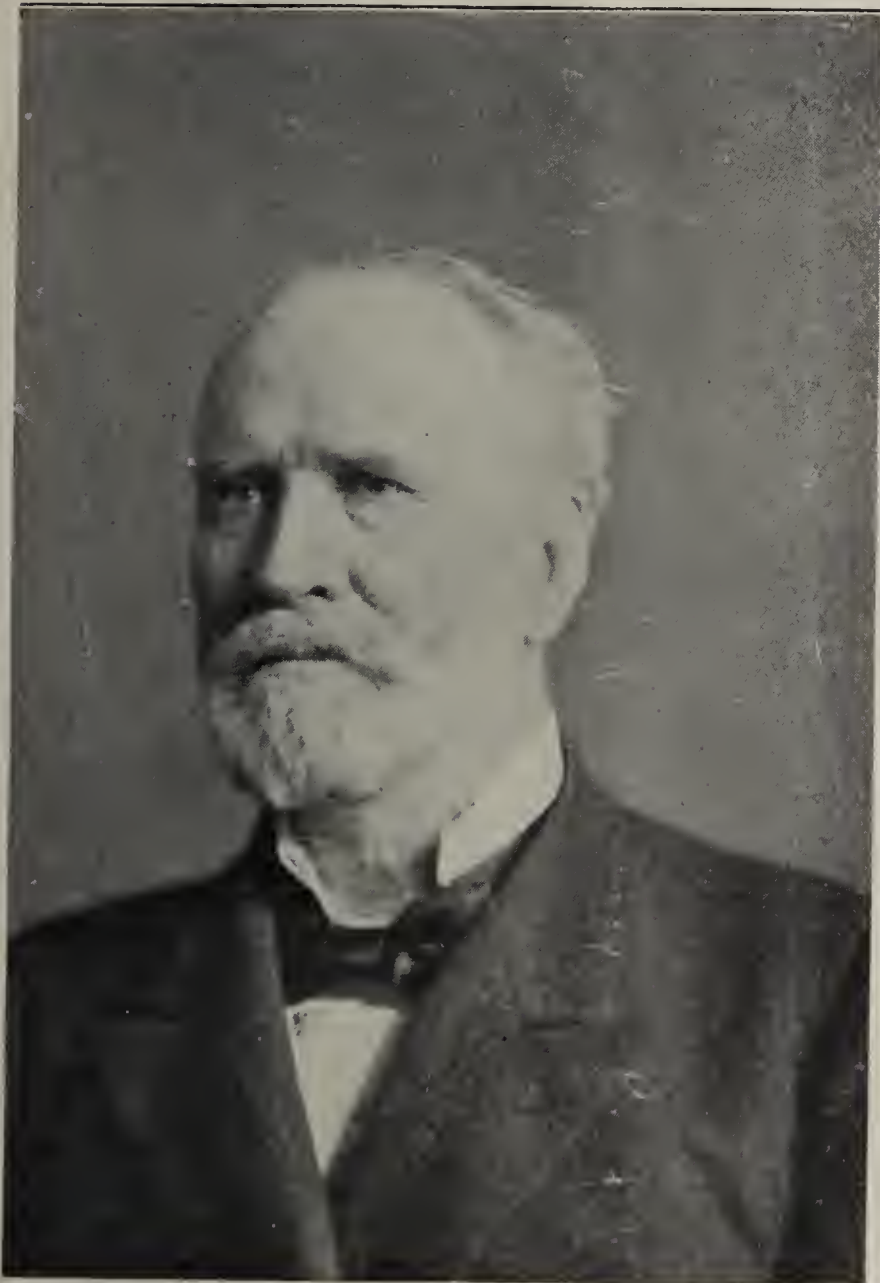
Samples of suspected foods and drugs are collected in the course of interstate commerce by a force of inspectors connected with the Bureau of Chemistry, who also make sanitary inspections of factories. Samples of imported products are obtained through the agents of the Treasury Department.

The samples collected are first examined in the branch chemical laboratories, of which there are 21, situated at important ports of entry and commercial centers throughout the country, as follows: Boston, Buffalo, Chicago, Cincinnati, Denver, Detroit, Galveston, Honolulu, Kansas City, Nashville, New Orleans, New York, Omaha, Philadelphia, Pittsburgh, Portland, Oreg., St. Louis, St. Paul, San Francisco, Savannah, and Seattle. At these laboratories, also, preliminary hearings are accorded the manufacturers and dealers concerned. When these examinations indicate that the product in question fails to comply with the law, the samples are forwarded to Washington, where another analysis is made in the Bureau of Chemistry, and opportunity for a full hearing before the Board of Food and Drug Inspection is accorded. When in any case the Board is satisfied that the law has been violated, the facts are reported to the Solicitor, who prepares the papers in the case for transmission to the Department of Justice, by whose officers the prosecution is conducted before the proper United States Court.

Following this procedure about 1,300 factories were inspected during the year. About 15,000 samples of foods and drugs passing in interstate traffic were taken, of which 9,631 were submitted to examination in the branch laboratories, with the result that more than 2,000 were forwarded to Washington and re-examined in the Bureau of Chemistry. Of imported products the branch laboratories examined 8,476 samples, about 2,500 of which were sent to Washington for re-examination. In addition, more than 79,000 samples of imported goods were submitted to floor inspection at ports of entry, without examination in the laboratory. Preliminary hearings to the number of 6,291 were conducted at the branch laboratories.

### ADVISORY WORK.

In the enforcement of the Food and Drugs Act this Department has to do with two classes of foods and drugs; first, those which enter interstate commerce or are sold or



HON. JAMES WILSON.

branded or adulterated. In all other respects the law speaks to the Secretary of Agriculture, who under the act is charged with its enforcement. The advisory work is intrusted by the



manufactured within the District of Columbia or the Territories, and, second, those offered for import into the United States at the various ports of entry.

After an examination of samples of suspected foods and drugs has been made by the Bureau of Chemistry the report of that Bureau is given to the Board of Food and Drug Inspection. If it appears to the Board that there has been a violation of the provisions of the food law, citations are issued to the person from whom the samples were purchased in order that he may appear and give evidence as to the facts in the case. As a matter of courtesy hearings are always granted every person who may have an interest in the case. Such hearings are always private.

The Board can not personally attend every hearing, except such as are held in the city of Washington. Hearings are granted at points where the branch laboratories of the Bureau of Chemistry are situated and are always held at such laboratories nearest and most convenient to the person cited. After the evidence has all been collected the cases are again considered by the Board, with the result that they are either dismissed, placed in permanent abeyance, or submitted to the Solicitor of the Department for the preparation of the cases in legal form. These cases then come to me for my final consideration as to whether or not they should be referred to the Department of Justice for prosecution.

Many of the questions which have come before the Board for consideration are exceedingly perplexing, and it has often been necessary to hold public hearings, at which anyone interested in the subject under discussion has an opportunity to appear and present such evidence as is deemed pertinent to the question. This plan has always been pursued by the Board in the consideration of large questions, and in nearly every case, as the result of the hearings, formal decisions have been issued. Since the law was passed more than seventy food-inspection decisions have been issued for the guidance of those interested in the food law and the rulings under it. These decisions have no judicial force; they are merely statements of the Department's views and policy, and after their issuance it is customary to allow sufficient time to elapse before they are put into effect.

Under section 3 of the law the Secretary of the Treasury, the Secretary of Agriculture, and the Secretary of Commerce and Labor are empowered to make uniform rules and regulations for its enforcement. On October 16, 1906, what is known as Circular 21 of the Office of the Secretary was published. This contains the "rules and regulations" for the enforcement of the Food and Drugs Act. As experience has been gained in the enforcement of this law, necessity has arisen for adding to and amending the rules and regulations, and since the issuance of the first edition of Circular 21 ten rules and regulations have been promulgated by the three secretaries above mentioned. Some of these regulations are modifications of those already existing, while others deal with new subject-matter.

Attention might be called here to the public hearings which have been held, because they are important as showing the method of getting in touch with the manufacturers so as to have full information prior to the rendering of decisions. For example, the bleached flour hearing took five days for its completion, and the evidence given was very full. As a result of this hearing a decision on the subject was rendered by the Department. At the present time the matter is in the courts because of manufacturers who have not been willing to accept the views of the Department. It is expected that before long the question will be settled by the courts. Attention should be drawn also to the public hearing which was given on the labeling of mineral waters. This was very largely attended and after mature consideration of the evidence submitted a decision was given expressing the opinion

of the Department as to the proper labeling to be placed on beverages of this type. General hearings were given also on the subjects of the labeling of yeast, weights and measures, labeling of chocolate and cocoa, oysters, New Orleans molasses, alum, etc.

It has been my observation that the manufacturers and jobbers have appreciated the efforts of the Department to obtain full information before the issuance of decisions, and in general it may be said that practically no complaint has been received after the decisions have been issued, and they have been quite generally complied with. In this way the law has been administered without undue harshness, and yet the results which it is the object of the law to attain have been and are being obtained. It is not the desire of the Department to make this law an instrument of oppression, but rather to get good results by the means indicated. In no case, so far as known, has the Department reported for prosecution cases against others than the persons who were originally responsible for the adulteration or misbranding; that is, it has been my desire to put the responsibility nowhere else. It is only by going to the fountain-head that the results can be obtained. No good can be obtained by prosecuting the middleman.

#### "ADULTERATION"

is an ugly word in the popular mind. It carries with it the idea that there is grave danger to the public health when adulterated foods are consumed. This may or may not be true. Under section 7 of the Food and Drugs Act, adulterants are of two kinds, namely, (1) those which may be injurious to health, and (2) those which are not unwholesome but which debase the character or value of the food. Adulteration of the latter type wholly disappears when the foods are properly branded so that the consumer knows exactly what is being purchased. The question of the effect on health of "preservatives" in foods is in many instances very delicate. There is apparently but one way in which questions of this kind can be properly decided, and that is by means of experimental work. In some cases there appears to be a very marked difference of opinion among men who might be presumed to have the right to speak with authority on questions of this kind. The Department has therefore pursued the policy of submitting these large matters to what is called the "Referee Board of Consulting Scientific Experts," the personnel of which is such that the results obtained by them must of necessity carry conviction. This Board was first organized shortly after the pure-food law went into effect, and the members were chosen by ex-President Roosevelt after correspondence with the heads of a large number of the most prominent universities of the United States, and on his suggestion the men were appointed by me. The board at present consists of the following members: Ira Remsen, president of Johns Hopkins University; Russell H. Chittenden, director of the Sheffield Scientific School, Yale University; Alonzo E. Taylor, University of California; C. A. Herter, College of Physicians and Surgeons, New York; and John H. Long, Northwestern University, Chicago. Several of the larger questions have been referred to this Board, but as yet only one has been reported upon, namely, the effect upon health of sodium benzoate. This report is published by the Department as Report 88 and comprises 784 pages, in which all the details of three separate sets of feeding experiments are given. Clinical details are given and in fact all such data as were used in reaching the conclusions. This report describes probably the most extended experiment of its kind ever undertaken in any country. Based upon this report, the Secretary of the Treasury, the Secretary of Commerce and Labor, and myself, who are empowered by the act to make rules and regulations for its en-



forcement, promulgated Food Inspection Decision 104, which states that benzoate of soda may be used in foods, provided the amount used is clearly stated upon the container or package of food containing this substance. To the Referee Board there has also been referred the effect of sulphur dioxide, of saccharin, and of sulphate of copper on health, the latter being the substance ordinarily used in the greening of vegetables, many of which are being offered for entry into the United States. This Board is now engaged in the work submitted to it, and it is expected that reports will be received shortly on some of the questions which are now in its hands for experimentation and investigation.

In accordance with the rules and regulations for the enforcement of the act, where cases have been sent to the courts and judicial opinions have been rendered, such opinions are published by the Department not less than thirty days after being given. Considerably more than one hundred of these court decisions under the name of "Notices of Judgment" have been issued by the Board of Food and Drug Inspection, and there are a number in the course of preparation. These notices of judgment appear to be carefully considered by the manufacturing interests. They contain the views of the courts on important points, and thus may serve as a guide, as in the case of the food inspection decisions.

The Department has carefully scrutinized the foods and drugs offered for entry at the various ports of the United States, with marked results. New York is the port at which perhaps 75 per cent of the foods and drugs are entered, and next in line comes Boston. There has been little difficulty in the enforcement of the law at the various ports on the whole. It may be said, however, that in some lines the entire character of products offered for entry has been changed, and products of a much higher grade are now imported. For example, it has been customary in the past for all case goods of edible oils, wines, liqueurs, distilled spirits, etc., to have marked on the outside not only the number of bottles or cans contained in the case, but also their contents. Examination has shown that such marking of contents has been very largely incorrect, but at the present time, through the work of the Department, very few, if any, fraudulent and misbranded cases are offered for entry. Olive oils are now offered at the ports of such a character that it is rare that one containing other oil is found.

Recently, importations of figs have been investigated. Information secured by the Department indicates that many of the packing houses in which figs have been packed in foreign countries are very insanitary and unhygienic, and that the products of these establishments constitute a distinct menace to the public health. In order to rectify these conditions no figs are now allowed entry into the United States unless accompanied by a certificate properly viséed by one of our American consuls, indicating the character of the conditions under which the packing has taken place. This does not of itself, however, secure immunity against inspection; on the contrary, figs which had been packed under sanitary conditions have been refused entry by the Secretary of the Treasury because of their wormy and moldy condition. As a result, the people of the United States are now receiving a clean and wholesome product, packed under proper conditions.

With the American people the term "cheese" has come to mean a product which is made from whole milk. A general inspection has been made at the various ports of the character of the cheeses offered for entry, and it has been found that a large number of the so-called cheeses have been made from milk from which a greater or less amount of the butter fat has been removed. The product made from such skim milk is properly called "skim-milk cheese," and all such cheeses offered for entry are now branded as "skim-milk

cheeses," or in some way so as to indicate that skim milk has been used in their preparation.

It should not be understood, however, that cheese made from skim milk is unwholesome or lacking in food value. In fact, in the preparation of certain types of cheese, the removal of more or less of the fat from the milk is essential. It is, however, desirable for the consumer to know whether the cheese is made from whole milk, and this is accomplished by proper labeling.

The Federal food law has proved of value to some of our large cities in raising the quality of milk furnished. Watering and skimming of milk has been found altogether too common, nor is it unusual to encounter milk obtained under unsanitary conditions and then improperly cared for. A number of milk crusades have been held and the results have been gratifying. These will be continued from time to time as conditions seem to warrant. Too much care can not be given to improving the standard of this most important of foodstuffs.

One of the most flagrant violations of the Food and Drugs Act was the shipment of coffee coated with a mineral poison—lead chromate. Eighty-four sacks of this coffee were seized and destroyed by order of the court. Criminal proceedings were brought against the shipper of this poisonous coffee and a fine was imposed.

Under section 7 of the law, confectionery containing mineral matter is considered adulterated. Action has been taken against the use of metallic silver as a coating for dragées, which are largely used as a confection. The courts have sustained the Department and the case has been appealed by the defendants. Confectionery is a class of foodstuff which must at all hazards be kept wholesome and pure.

Very few cases of the use of questionable preservatives are now encountered at the ports. Salicylic acid, boric acid, fluorides, and similar substances have practically disappeared from foodstuffs offered for entry, as well as foodstuffs manufactured within our borders and offered for interstate commerce. This result is especially gratifying because accomplished without recourse to the courts. It is true, however, that with respect to boric acid there are a few firms who have held out against the decision of the Department, but cases affecting them are now pending in the courts and it is expected that a judicial decision for our guidance will soon be given.

The correspondence of the Department relative to vexatious questions still indicates that the public are not yet fully informed concerning the law and its requirements. Wherever it is possible in the answering of the inquiries, information is given for the guidance of those making inquiry. It is not within the authority of the Department to point out exact methods of labeling, although as much information is given as can properly be extended.

Too great importance can not be attached to the character of the work done at the ports in controlling the drugs coming to this country. Very often the drugs are such that the Secretary of the Treasury, with whom I co-operate in the Board work for detentions, orders re-exportation, as he has authority to do under section 11 of the Food and Drugs Act, where the products detained may be of such character as to prove dangerous to the health of the people of the United States. To illustrate: Certain Chinese pills are offered for entry as being remedial in cases of persons afflicted with the opium habit. Examination of these pills has shown that they contain material quantities of opium or morphine, and without doubt such products are of a fraudulent character and as remedial agents for the opium habit are absolutely dangerous. Crude drugs from which remedial agents are to be prepared have been rejected where the remedial agent prepared therefrom was not of a character capable of being standardized, and when the crude drugs are weaker than prescribed by the



United States Pharmacopœia. As a result of this drastic but absolutely necessary action the character of the crude drugs offered for importation has been very materially improved, and exportation is not resorted to as frequently as formerly.

The character of the shipments of drugs is scrutinized, and when false or misleading statements are found the circulars are removed or destroyed.

At the beginning of the inspection at the ports it was found that too much time was consumed in the handling of import cases. This difficulty has been overcome by the establishment of "precedents." It was found that there were many recurring cases of a similar type which the Department had to consider, and as soon as the line of action had become sufficiently settled I suggested to the Secretary of the Treasury that a similar line of action would be pursued by this Department when dealing with like cases. The Secretary of the Treasury has co-operated in such cases, and instead of the final action being taken in Washington they are now expedited by direct communication between the representatives of the Department of Agriculture and the Treasury at the ports of entry. This has very greatly minimized the time necessary to deal with certain classes of imports, and as conditions seem to warrant these precedents are increased in number so as to further expedite the work. This change has proved most satisfactory to the importers, but has in no way lessened the efficiency of the work.

#### LEGAL WORK.

There were reported through the Solicitor to the Attorney-General and United States attorneys 494 cases of violations of the Food and Drugs Act, 359 more than were so reported during the previous year. Eighty-five cases resulted in conviction and fines of \$2,002, with costs of about equal amount; 98 cases resulted in decrees of condemnation and forfeiture of many tons of goods, both foods and drugs; only 2 cases were lost by the Government; 2 seizure cases are pending on appeal to the circuit court of appeals; 135 cases were dismissed; 53 civil, 74 criminal, and 12 seizure cases were pending in the courts at the close of the year. Many of the 135 cases dismissed were accompanied by mitigating or palliating circumstances which caused the Department to recommend their discontinuance.

Among the cases reported and successfully prosecuted during the year were upward of 75 cases involving the adulteration of milk and cream, shipped from outlying districts to St. Louis, Kansas City, Cincinnati, and Chicago. This crusade has resulted in the material purification of the milk supply of these cities. A number of the more pernicious nostrums, extensively advertised and sold as cures for cancer, diphtheria, skin diseases, headaches, etc., have been excluded by successful prosecutions from interstate commerce, and substantial progress has been made in the improvement of the quality of flavoring extracts.

The question of the constitutionality of the act was decided in the western district of Missouri, the court sustaining the validity of the act.

A writ of mandamus to compel the Secretary of Agriculture to withhold the recommendation of prosecution against manufacturers and shippers of flour bleached by a certain process using nitrogen peroxid was denied by the court, and the decision was approved by the court of appeals of the District of Columbia.

There were published during the year 66 notices of judgment, provided for by section 4 of the Food and Drugs Act. The demand for these notices is great, and it is apparent that manufacturers and dealers are closely watching the operation of the law.

The pure food inspector of Tennessee has appointed three of the leading women of Nashville assistant food inspectors.

#### MAC VEAGH'S ATTACK ON THE PURE FOOD POLICY.

Under the foregoing title the St. Paul Pioneer Press indulges in some rather warm remarks concerning a subject in which the butter makers of Pennsylvania are very much interested. It declares that the oleomargarine men have found in Secretary MacVeagh, of the Treasury Department, a leader who, as they hope, is to go forth conquering and to conquer the makers of honest butter. He has already recommended to Congress a reduction of the tax to a pitiful two cents a pound on colored oleomargarine—a figure which would put no restraint whatever on the fraudulent manufacture or sale of this commodity as and for butter.

"It took long years of strenuous endeavor, organization and outlay for the butter makers to win from Congress the enactment of the law which compelled oleo men either to sell it honestly as oleo, or to pay a tax of ten cents a pound for the privilege of coloring it in imitation of yellow butter. A further long, anxious period intervened while the law was being tested in the courts. It stood the test; and the first victory was won for legislation favoring absolute honesty in the manufacture and vending of foods as opposed to the 'commercial honesty' which looked upon tricks as an admissible factor in all trades.

"The pure food and meat inspection laws of the Roosevelt era could never have been passed but for the 'campaign of education' carried on in behalf of pure butter. For the present administration to connive at the substantial restoration to oleo men of the privilege of selling their product as butter, will be to open the way to an utter abandonment of another of the Roosevelt policies and for the surrender of our markets again to the venders of all sorts of spurious and poisonous foods.

"Here is a consideration which outweighs even the loss and wrong which will be inflicted on the butter-making industry of Minnesota and other states by the readmission of a fraudulent article in competition with the golden product of our dairies. President Taft may well pause before he sanctions the advocacy, by a member of his cabinet, of a backward step in pure food legislation. Such a step would mark, not only the beginning of disaster to a great industrial interest, but of an early decay in the regenerative processes that, under Roosevelt's leadership, promised so much for the business world of America."

Our northwestern contemporary is quite right about the mischievous results that would flow from the adoption of the plan suggested by Secretary MacVeagh. It must also be conceded that the president is responsible for the actions of his constitutional advisers so long as he does not let the country understand that he is on the other side. It may be, however, that President Taft has had his mind occupied with other things since his induction into office and that when the matter is brought directly to his attention he will settle down on the side of the butter makers. At all events it is too soon to get excited and to apprehend such legislation as will overturn the dairy interests and place oleomargarine in the homes of the land as a substitute for butter, the consumer believing it to be butter.

In any event this Bulletin has not the slightest fear concerning the ultimate result. Even if the president were to join his Secretary of the Treasury in urging Congress to amend the Grout act so as to reduce the federal tax on colored oleomargarine from ten to two cents per pound—a most unlikely supposition—we do not believe a majority of the Congress could be persuaded to vote for the proposed reduction. There are too many farmers in this country, too many dairymen to make it probable that such obnoxious legislation could receive the assent of a majority in either house, let alone both.



The dairymen of Pennsylvania have already uttered their emphatic protest against the contemplated change. Senator Penrose, always the devoted champion of the interests of the state's dairies and farms, has already taken his stand against such radical changes in the law as would bring oleomargarine into keen competition with genuine butter and we are confident that his colleague, Senator Oliver occupies the same platform. The members of Congress from this state are champions of the farming and dairy interests and their attitude is symptomatic of the sentiments of their colleagues from a majority of the states. Such a proposition would receive no aid except in a few isolated sections where the oleomargarine industry is of more importance than the dairy industry.

Under the circumstances the Bulletin advises the friends of real butter to keep their eyes and ears open but to permit no rumors to disturb them. The men who are styling their product "the poor man's butter" lack the sympathy of the poor man, of the man who is moderately well off and of those who are very comfortably established. There is little public spirit manifested in favor of their proposition and the present Congress will certainly give it a frigid reception should Mr. MacVeagh conclude to persist in his very unwise and unpopular policy of aiding the oleo people at the expense of the producers of genuine butter.—Bulletin No. 9 Pennsylvania Dept. of Agriculture.

#### THE PRICE OF FOOD PRODUCTS.

While the Bulletin recognizes that occasions may arise when the head of the family is compelled to economize and must, therefore, purchase cheaper goods than his more wealthy neighbor can afford, it is also convinced that every American family is entitled to the best and it believes that liberal wages should be awarded an honest and fruitful day's work. It fears that some persons seek the cheapest goods in the market, not because they are obliged to do so, but from a desire to live well within their income. They are so anxious to lay up something for a rainy day that they do themselves and the members of their families real harm by their refusal to purchase the best grades of food. This is an American failing. It came into vogue many years ago and is still widespread. It is the spirit which crowds many of the department stores with bargain hunters. It is the conviction that a thing which does not cost much money is a great bargain.

It was this urgency after cheapness which led to the extensive adulteration of food products in times past. There was a perfect mania after bargains. Retail dealers urged manufacturers or jobbers to find them something "just as good" as the high-priced articles which could be sold at a much lower rate and still at a profit. Many manufacturers yielded to this continued clamor. They felt that they were compelled to do something to satisfy the clamor of their patrons who in turn were pressed to the wall by the demands of their customers for goods of which they could get a large supply for a small price. The matter of quality was not taken into consideration. It was not suggested to the consumer that he made a blunder by putting cheapness above quality; by insisting upon cheapness, in fact, and raising no question of quality. It was some years before the situation became so desperate that men and women began to agitate for pure food laws. They realized that they were not getting the sort of food they needed.

We are told now that the restrictions and requirements of the laws regulating the beverages and the food supply of the people are so irksome and so harassing that they necessitate an increase in prices. To which it may be responded that the first essential in the preparation of human food is that it shall be genuine. If one must pay a little more for a pure food than for its inferior imitation one should not complain, since the difference in price is apparent only, the more expensive article being really the cheapest. Unreasonable prices should be opposed, but no one should object to giving the honest manufacturer or dealer a living profit on a valuable and healthful article.—Bulletin Pennsylvania Dept. of Agriculture.

#### FOOD LAWS AS RELATED TO THE SODA WATER INDUSTRY.

By THOMAS E. LANNEN

Report to The National Manufacturers of Soda Water Flavors.

It gives me pleasure to report to you on the legal work done for your association during the past year, because I feel that a great deal has been accomplished.

There has not been, during the past year, as much work done for the individual members of the association as in former years. But since none of the individual members seem to have had any serious trouble under the laws since our last convention, one can safely assume that their goods have been legal under the laws, and that they understood how to comply with them. Your attorney does not regret that the individual members have had less work for him than formerly, and it certainly should be a source of satisfaction to all. I say again, as I believe I said last year, that this condition of affairs, that is, your comparative freedom from trouble under the food laws, is due more particularly to the good work of your first convention at Washington than to any other cause. You got started right at that time and you have had good sailing ever since.

But while the work of the members has not been so heavy during the past year, the work of the association as a whole for the benefit of all the members has been enormous and very effective indeed, and, after all, this kind of work is what an association can best perform and is more particularly adapted to perform.

In preparing this paper I regretted very much that I had not kept a little diary of the many matters that came up during the past year in which your association was interested and either directly or indirectly took part. It would enable me to give you a more detailed report, and I am sure the exact amount of work shown to have been done by your officers would be to you a revelation.

From the first of January of this year to the first of June there were something like forty-two state legislatures in session.

I give you herewith the names of the states in which food laws and laws directly affecting food manufacturers were introduced and the number of such laws introduced in each state:

Arizona 2	New Hampshire 11
Arkansas 3	New Jersey 12
California 35	New Mexico 2
Colorado 15	North Carolina 16
Connecticut 12	North Dakota 5
Florida 2	Ohio 17
Idaho 5	Oklahoma 8
Indiana 18	Oregon 6
Iowa 12	Pennsylvania 33
Illinois 25	Rhode Island 4
Kansas 20	South Carolina 2
Maine 17	South Dakota 14
Massachusetts 24	Tennessee 14
Michigan 4	Texas 8
Minnesota 30	Utah 13
Missouri 22	Washington 14
Montana 2	West Virginia 7
Nebraska 29	Wisconsin 36
Nevada 1	Wyoming 2
New York 26	

The foregoing shows the total of such laws to have been five hundred and twenty-eight.



This list was prepared from files in my office and shows the number of laws that I received in my office from the various legislatures during a period of five months. Copies of these laws were received at the time they were introduced. Each law was read carefully as received and an opinion written on the same and mailed to those of my clients who were interested in the particular law. In addition to this each law was carefully watched and the parties interested were notified of its progress through the legislature. When a law appeared to be unfair and unreasonable it was opposed and defeated if possible. I personally appeared before the legislatures in several of the states and opposed measures, and I am glad to say successfully in each case.

It was my policy to notify the secretary of your association of the introduction of all laws in which you might be interested, or which you could help to defeat when necessary. Also to keep him posted on the progress of those laws, and the dates of hearings on them before committees, etc.

I did not report to your secretary on all of such laws, because many were on subjects not of interest to you, but I find the number of such reports to him to be seven hundred and thirty-three. A very great amount of work was involved in this, but the results were very beneficial. Your secretary took prompt action on all of these matters.

I will not attempt to tell you in detail the work done by your association and other associations in opposing unreasonable legislation and bringing about better food law conditions throughout the several states, but you can get some idea of the good accomplished when I say that even though 42 legislatures were in session and over five hundred food laws introduced, many of them very objectionable, the situation was far better throughout the entire country when the legislatures adjourned than it was before they met. With perhaps one exception the laws are no worse in any of the states and far better in several of them.

There will not be so many legislatures in session this winter. The following are the states whose legislatures will meet: Georgia, Kentucky, Louisiana, Maryland, Massachusetts, Mississippi, New York, New Jersey, Ohio, Rhode Island, South Carolina and Virginia.

I have summed up as best I can the present situation with respect to the use of Benzoate of Soda, Coal Tar Colors and Saccharin, and I find it to be as follows:

#### NATIONAL RULINGS.

**BENZOATE OF SODA:** "It having been determined that benzoate of soda mixed with food is not deleterious or poisonous and is not injurious to health, no objection will be raised under the food and drugs act to the use in food of benzoate of soda, provided that each container or package of such food is plainly labeled to show the *presence and amount* of benzoate of soda."

**COAL TAR COLORS:** The following coal tar colors, when properly certified under F. I. D. 76 and 77, may be used:

- Red shades:
- 107. Amaranth.
- 56. Ponceau 3R.
- 517. Erythrosin.
- Orange shade:
- 85. Orange I.
- Yellow shade:
- 4. Naphthol yellow S.
- Green shade:
- 435. Light green S. F. yellowish.
- Blue shade:
- 692. Indigo disulphoacid.

**SACCHARIN:** The government has not published any ruling on the use of saccharin, but it seems to be tacitly understood that it may be used if the label plainly states that it has been used. It would be well to designate it as "*saccharin, an artificial sweetener.*" The type used should not be smaller than 8 point brevier caps.

#### ALABAMA.

Benzoate of Soda: Follow National Ruling.

Coal Tar Colors: The food law of Alabama prohibits the manufacture or sale of any soda water or other soft drink or beverage sweetened or colored with any syrups or coloring matter made from any coal tar preparation or other mineral substance.

Saccharin: There is a law in the state of Alabama prohibiting the manufacture or sale of soda water or other soft drink or beverage sweetened or colored with any syrups or coloring matter made from any coal tar preparation or other mineral substance, or sweetened with any other than pure fruit syrup or pure cane or beet sugar.

#### ALASKA.

Benzoate of Soda: Follow the National Ruling.

Coal Tar Colors: Follow the National Ruling.

Saccharin: Follow National Ruling.

#### ARIZONA.

Benzoate of Soda: Follow National Ruling.

Coal Tar Colors: Follow National Ruling.

Saccharin: Follow National Ruling.

#### ARKANSAS.

Benzoate of Soda: Follow National Ruling.

Coal Tar Colors: Follow National Ruling.

Saccharin: Follow National Ruling.

#### CALIFORNIA.

Benzoate of Soda: Follow National Ruling.

Coal Tar Colors: Follow National Ruling.

Saccharin: Follow National Ruling.

#### COLORADO.

Benzoate of Soda: Follow National Ruling.

Coal Tar Colors: Are not prohibited by law in soda water products or soda fountain supplies. It is safe to follow the National Ruling on Coal Tar Colors. The food commissioner rules that the seven colors permitted by F. I. D. 76 may be used, as well as vegetable colors, but says the use of any color must be stated on the face of the label in at least 8 point face type, by the words "artificially colored" in a separate line on a uniform background.

Saccharin: Is not prohibited by law in soda water products or soda fountain supplies, but the state board of health rules that it is prohibited.

#### CONNECTICUT.

Benzoate of Soda: Follow National Ruling.

Coal Tar Colors: Follow National Ruling.

Saccharin: Follow National Ruling.

#### DELAWARE.

Benzoate of Soda: Follow National Ruling.

Coal Tar Colors: Follow National Ruling.

Saccharin: Follow National Ruling.

#### DISTRICT OF COLUMBIA.

Benzoate of Soda: Follow National Ruling.

Coal Tar Colors: Follow National Ruling.

Saccharin: Follow National Ruling.

#### FLORIDA.

Benzoate of Soda: The Department of Agriculture allows one-tenth of 1 per cent. The presence and amount should be stated on the label in type not smaller than 8 point brevier caps.

Coal Tar Colors: Follow National Ruling.

Saccharin: Follow National Ruling.

#### GEORGIA.

Benzoate of Soda: Follow National Ruling.

Coal Tar Colors: Follow National Ruling.

Saccharin: Is not prohibited by law in soda water products or soda fountain supplies, but the State Board of Agriculture rules that it is prohibited.

#### HAWAII.

Benzoate of Soda: Follow National Ruling.

Coal Tar Colors: Follow National Ruling.

Saccharin: Follow National Ruling.

#### IDAHO.

Benzoate of Soda: Follow the National Ruling.

Coal Tar Colors: Follow the National Ruling. State



Board of Health rules that presence of added color must be made known by the words "artificially colored."

Saccharin: Is not prohibited by law, but the State Board of Health says its use is a violation of the law.

## ILLINOIS.

Benzoate of Soda: Follow National Ruling.

Coal Tar Colors: Follow National Ruling.

Saccharin: Follow National Ruling.

## INDIANA.

Benzoate of Soda: Is not prohibited by law in soda water products or soda fountain supplies, but the State Board of Health rules that its use is prohibited.

Coal Tar Colors: Follow the National Ruling.

Saccharin: Is not prohibited by law in soda water products or soda fountain supplies, but the State Board of Health rules that it is prohibited.

## IOWA.

Benzoate of Soda: Follow National Ruling.

Coal Tar Colors: Follow National Ruling.

Saccharin: Is prohibited by law in Iowa.

## KANSAS.

Benzoate of Soda: Follow National Ruling.

Coal Tar Colors: Are not prohibited in soda water products or soda fountain supplies. It is safe to follow the National Ruling on Coal Tar Colors. But the State Board of Health has ruled that when a color is used a statement of that fact must appear upon the label.

Saccharin: There is no law specifically prohibiting the use of saccharin in Kansas, but the State Board of Health has ruled that it is prohibited.

## KENTUCKY.

Benzoate of Soda: Follow National Ruling.

Coal Tar Colors: Follow National Ruling.

Saccharin: Follow National Ruling.

## LOUISIANA.

Benzoate of Soda: The food law of Louisiana is made up of rules of the State Board of Health. These rules permit the use of one-tenth of 1 per cent of benzoate of soda in red pepper sauce, catsups and sauces, and in natural or artificial syrups, and prohibit its use in anything else. Make statement regarding benzoate of soda plainly on face of principal label. Use type not smaller than eight point brevier caps.

Coal Tar Colors: The rules of the State Board of Health provide that the seven coal tar colors permitted by F. I. D. 76 may be used when made especially for use in foods, and which bear a guaranty from the manufacturer that they are free from subsidiary products and represent the actual substance the name of which they bear. In every case a certificate that the dye in question has been tested by competent experts and found to be free from harmful constituents must be filed with the food commissioner of the Louisiana State Board of Health and approved by him.

Saccharin: By a regulation (36) of the State Board of Health the use of saccharin is prohibited in any food product. It is also specifically prohibited in red pepper sauce, catsup, sauces, pickles, mead and root beer.

## MAINE.

Benzoate of Soda: Is not prohibited by law in soda water products or soda fountain supplies. It seems safe to follow the National Ruling on Benzoate of Soda. The food commissioner says it may be used in the kind of goods it has been used in in the past if its presence and amount are stated on the label.

Coal Tar Colors: Follow National Ruling.

Saccharin: Follow National Ruling.

## MARYLAND.

Benzoate of Soda: Follow National Ruling.

Coal Tar Colors: Are not prohibited by law in soda water products or soda fountain supplies. It seems safe to follow National Ruling. The State Board of Health insists that the presence of coloring matter must be stated on the label.

Saccharin: Follow National Ruling.

## MASSACHUSETTS.

Benzoate of Soda: Follow National Ruling.

Coal Tar Colors: Follow National Ruling.

Saccharin: Follow National Ruling.

## MICHIGAN.

Benzoate of Soda: Follow National Ruling.

Coal Tar Colors: Follow National Ruling.

Saccharin: Is not prohibited by law in soda water products or soda fountain supplies, but the food commissioner says its use is prohibited.

## MINNESOTA.

Benzoate of Soda: Is not prohibited by law in soda water products or soda fountain supplies, but the food commissioner has ruled that it is only permitted in catsups and crushed fruits used at soda fountains. This ruling permits the use of benzoate of soda in the two products named in the pack of 1909 and permits the sale of that pack until December 1, 1910, the quantity used not to exceed one-tenth of 1 per cent and the presence and amount to be plainly stated on the label in 8 point bold faced Gothic caps.

Coal Tar Colors: Are prohibited by law.

Saccharin: Is prohibited by law.

## MISSISSIPPI.

Benzoate of Soda: Follow National Ruling.

Coal Tar Colors: Follow National Ruling.

Saccharin: Follow National Ruling.

## MISSOURI.

Benzoate of Soda: Is not prohibited by law in soda water products and soda fountain supplies. It seems safe to follow National Ruling.

Coal Tar Colors: Follow National Ruling.

Saccharin: Is not prohibited by law in soda water products or soda fountain supplies, but the food commissioner says he will contest its use.

## MONTANA.

Benzoate of Soda: Follow National Ruling.

Coal Tar Colors: Follow National Ruling.

Saccharin: Follow National Ruling.

## NEBRASKA.

Benzoate of Soda: Follow National Ruling.

Coal Tar Colors: Follow National Ruling.

Saccharin: Follow National Ruling.

## NEVADA.

Benzoate of Soda: Follow National Ruling.

Coal Tar Colors: Follow National Ruling.

Saccharin: Follow National Ruling.

## NEW HAMPSHIRE.

Benzoate of Soda: The food law of New Hampshire prohibits the use of benzoate of soda in all articles of food and drink, except in cider, tomato catsup, fruit jams, jellies and preserves. Not more than one-tenth of 1 per cent should be used and the presence and amount should be stated on the label. The food officials have ruled it may also be used in lime juice.

Coal Tar Colors: Follow National Ruling.

Saccharin: Is not prohibited in soda water products or soda fountain supplies, but the State Board of Health says that it is.

## NEW JERSEY.

Benzoate of Soda: Follow National Ruling.

Coal Tar Colors: Follow National Ruling.

Saccharin: Follow National Ruling.

## NEW MEXICO.

Benzoate of Soda: Follow National Ruling.

Coal Tar Colors: Follow National Ruling.

Saccharin: Follow National Ruling.

## NEW YORK.

Benzoate of Soda: Follow National Ruling.

Coal Tar Colors: Follow National Ruling.

Saccharin: Follow National Ruling.

## NORTH CAROLINA.

Benzoate of Soda: The food commissioner has ruled that pending further scientific investigation and the outcome of the Indiana injunction suit no prosecution will be made for the use of not to exceed 1/10 per cent of benzoate of soda if the presence and amount used are plainly stated on the label.

Coal Tar Colors: Follow National Ruling.

Saccharin: Follow National Ruling. But the food commissioner insists on amount used being stated in type not smaller than one-half the size of the type used in the name of the product.

## NORTH DAKOTA.

Benzoate of Soda: The food law of North Dakota contains a provision that in perishable goods put up in bulk sodium benzoate "or other less harmful preservatives" may be used in proportion not to exceed one part in two thousand in such products and under such regulations as may be determined upon and proclaimed by the North Dakota government agricultural experiment station at Fargo, and the regulation made (May 17, 1909) is as follows:

"PRESERVATIVES PERMITTED.

"Until further notice the use of benzoate of soda in ac-



cordance with the terms of the food law (sec. 2, clause 4, of the provision) is deemed permissible in bulk ciders from natural fruits, in bulk apple butter and in bulk fresh mincemeat. Benzoate of soda is also permissible in codfish from May 1 to November 1, providing its presence is clearly set forth as required, and explicit directions printed for removing all of the preservative before cooking the fish.

"The label must clearly show the use of benzoate of soda."

Make statement regarding benzoate of soda plainly on face of principal label. Use type not smaller than 8 point brevier caps.

Coal Tar Colors: Are prohibited by law.

Saccharin: Is prohibited by law.

#### OHIO.

Benzoate of Soda: Is not prohibited by law in soda water products and soda fountain supplies, but the food commissioner says he will not permit more than one-tenth of 1 per cent. Follow National Ruling as to labeling.

Coal Tar Colors: Follow National Ruling.

Saccharin: Is not prohibited by law in soda fountain supplies or soda water products. But the food commissioner says that it is.

#### OKLAHOMA.

Benzoate of Soda: Follow National Ruling.

Coal Tar Colors: Follow National Ruling.

Saccharin: Is prohibited by law.

#### OREGON.

Benzoate of Soda: Is not prohibited by law in soda water products or soda fountain supplies, and it seems safe to follow National Ruling on Benzoate of Soda, except that the food commissioner says that no more than one-tenth of 1 per cent may be used.

Coal Tar Colors: Follow National Ruling.

Saccharin: Is not prohibited by law, but the food commissioner says it is not permitted under any circumstances.

#### PENNSYLVANIA.

Benzoate of Soda: The food law of Pennsylvania provides that one-tenth of 1 per cent may be used in articles in which it has heretofore generally been used in, the presence to be stated on the label.

The food commissioner has ruled (May 14, 1909) that this law limits the use of benzoate of soda to catsup, mincemeat, sweet chow chow, sweet pickles, preserves, jams, jellies, fruit butter, shredded and dried codfish and cider. Make statement regarding benzoate of soda plainly on face of principal label. Use type not smaller than 8 point brevier caps.

Coal Tar Colors: Are prohibited by law in fruit syrups for soda fountain use. In other products it is safe to follow National Ruling on Coal Tar Colors.

Saccharin: Is prohibited by law.

#### PHILIPPINE ISLANDS.

Benzoate of Soda: Follow National Ruling.

Coal Tar Colors: Follow National Ruling.

Saccharin: Follow National Ruling.

#### PORTO RICO.

Benzoate of Soda: Follow National Ruling.

Coal Tar Colors: Follow National Ruling.

Saccharin: Follow National Ruling.

#### RHODE ISLAND.

Benzoate of Soda: Follow National Ruling.

Coal Tar Colors: Follow National Ruling.

Saccharin: Follow National Ruling.

#### SOUTH CAROLINA.

Benzoate of Soda: Follow National Ruling.

Coal Tar Colors: Follow National Ruling.

Saccharin: Follow National Ruling.

#### SOUTH DAKOTA.

Benzoate of Soda: Follow National Ruling.

Coal Tar Colors: Follow National Ruling.

Saccharin: Is not prohibited by law in soda fountain supplies or soda water products, but the food commissioner says he will object to its use.

#### TENNESSEE.

Benzoate of Soda: There is no law in Tennessee prohibiting the use of benzoate of soda in soda water or soda fountain supplies. The food commissioner says (March 15, 1909) that benzoate of soda may be used in proportion not greater than one-tenth of 1 per cent during the present season, providing its presence is distinctly stated upon the label. Make statement regarding benzoate of soda plainly on face of principal label. Use type not smaller than 8 point brevier caps.

Coal Tar Colors: Follow National Ruling.

Saccharin: Follow National Ruling.

#### TEXAS.

Benzoate of Soda: The food law of Texas prohibits the use of benzoate of soda in food and drink, except in catsups, sauces, concentrated fruits, fruit juices and like substances, in which one-tenth of 1 per cent of benzoate of soda or its equivalent of benzoic acid may be used when a statement of such fact is plainly made upon the label. Make statement regarding benzoate of soda plainly on face of principal label. Use type not smaller than 8 point brevier caps.

Coal Tar Colors: Follow National Ruling.

Saccharin: Follow National Ruling.

#### UTAH.

Benzoate of Soda: Follow National Ruling.

Coal Tar Colors: Follow National Ruling.

Saccharin: Is prohibited by law.

#### VERMONT.

Benzoate of Soda: There is no law prohibiting the use of benzoate of soda in soda water or soda fountain supplies in Vermont. The food commissioner says (May 20, 1909) that for the time being the Board of Health has allowed the use of one-tenth of 1 per cent of benzoate of soda in catsup, provided the statement of this fact appears on the label. Make statement regarding benzoate of soda plainly on face of principal label. Use type not smaller than 8 point brevier caps.

Coal Tar Colors: Follow National Ruling.

Saccharin: Follow National Ruling.

#### VIRGINIA.

Benzoate of Soda: Follow National Ruling.

Coal Tar Colors: There is no law in Virginia prohibiting the use of harmless colors of any kind in soda water or soda fountain supplies; but if a coal tar color is used it would be advisable to use one of the seven coal tar colors permitted by F. I. D. 76.

The food commissioner rules that when a harmless vegetable color or burnt sugar color has been used it should be so stated on the label as "burnt sugar coloring" or as "harmless vegetable coloring"; and when a coal tar color is used it must be one of the seven permitted by F. I. D. 76, and the name of it must be stated on the label. In both cases the type should not be smaller than 8 point brevier caps.

Saccharin: Follow National Ruling.

#### WASHINGTON.

Benzoate of Soda: Follow National Ruling.

Coal Tar Colors: Follow National Ruling.

Saccharin: Is not prohibited by law, but the food commissioner says it cannot be used.

#### WEST VIRGINIA.

Benzoate of Soda: Follow National Ruling.

Coal Tar Colors: Follow National Ruling.

Saccharin: Follow National Ruling.

#### WISCONSIN.

Benzoate of Soda: Is prohibited by law.

Coal Tar Colors: Follow National Ruling.

Saccharin: Is prohibited by law.

#### WYOMING.

Benzoate of Soda: The food law of Wyoming prohibits the use of benzoate of soda in all food and drink, except in the case of perishable goods put up in bulk, in which it may be used in the proportion of not to exceed one part in one thousand two hundred in such products and under such regulations as may be determined upon and proclaimed by the dairy, food and oil commissioner. The fact of such use to be clearly set forth on the label in manner prescribed by the dairy, food and oil commissioner. The food commissioner has ruled that this law only permits the use of benzoate of soda in codfish, sweet apple cider, mincemeats, crushed fruits and fruit syrups which are used in making up soda fountain refreshments. Make statement regarding benzoate of soda plainly on face of principal label. Use type not smaller than 8 point brevier caps.

Coal Tar Colors: Are prohibited by law.

Saccharin: Is prohibited by law.

It is, of course, to be understood that when benzoate of soda is used its *presence* and *amount* should be plainly stated on the face of the principal label in type not smaller than 8-point Brevier caps.

The present of saccharin should likewise be declared in type not smaller than 8-point Brevier caps.



So far the government officials have not made any objections to the use of uncertified coal tar colors.

You have all been informed so often of the labeling requirements with respect to imitations, etc., that it is needless to go over them again. There is no material change from conditions existing last year. A very safe rule to follow is to label your products so as to truthfully show, in a general way, just what they are.

As yet there is no reason why the association should change its attitude on the question of stating the presence of capsicum in ginger ale. I understand the position of the association to be that it is a part of the formula of ginger ale.

The opinion of your attorney on color in root beer, sarsaparilla, ginger ale, and all those drinks in which color has always been a part of the formula, is that its presence need not be stated on the label.

Your attorney still maintains that root beer and sarsaparilla need not be labeled artificial.

However, I would suggest that wherever it is possible to avoid trouble by labeling these products or any other products to conform to the views of the officials it might be well to do so. At least it is worthy of consideration. I am aware, however, that when it comes to bottled soda waters it is almost impossible to always use labels.

I have been asked to suggest a model form of law for your association, and I take pleasure in attaching such a form to this paper.

In so far as a model law is concerned where you cannot get your own form passed it is well to take the National Food Law as a guide. But leave out Section 10 of the national law, because that section places the manufacturer at a very great disadvantage and is altogether unnecessary and unreasonable. It is that section of the law which provides for the seizure of goods claimed to be adulterated or misbranded.

On behalf of your association and others I attended the Food Commissioners' Convention in Denver last August. The commissioners proposed to adopt a uniform food law which they proposed to introduce in all of the states. The law was very objectionable and was opposed by the food manufacturers. It was voted down in the convention and the National Food Law was endorsed. The convention also endorsed the finding of the Referee Board on benzoate of soda. In addition to this the convention did a world of good for the country at large, because it had the effect of showing up the radical food officials in their true light. It also drew a distinct line between the radicals and the conservatives and had the effect of bringing many commissioners who were on the fence into the popular conservative ranks. It smoked all the officials out of their holes and made them show their colors. As a result it is not so hard now to tell where any commissioner stands on any given point.

I trust this paper will give you the information you desire. It is impossible to cover the entire food law situation in any brief way, but I have tried to set forth here as much as possible in a report like this.

#### STATE SENATOR JOHN RAINES DIES; FROM PTOMAIN POISONING.

State Senator John Raines died at 1:45 a. m., December 16th. at the Canandaigua Hospital, Rochester, N. Y., after an illness of several weeks of intestinal trouble, said to be due to ptomaine poisoning.

#### MICHIGAN SUPREME COURT DECIDES THE FAMOUS SAUSAGE CASE.

Supreme Court.

Armour & Co., complainants, vs. Arthur C. Bird, State Dairy and Food Commissioner, et als., defendants.

Filed December 10th, 1909.

Before: Blair, C.J., Grant, Montgomery, Ostrander, Hooker, JJ.

Complainant is a corporation organized under the laws of the State of New Jersey, with headquarters in Chicago, Illinois. It is and has been, for many years, engaged in the manufacture and sale of fresh and cured meats, and sausages and other meat products. Its sale of these products, including sausage, extended over the entire State of Michigan.

In the year 1906, the defendant, the Dairy and Food Commissioner, caused chemical examination to be made of the various brands of sausages sold within the state, including that of the complainant, and found that many of them contained cereals and a percentage of water greater than that found in meat alone. On January 16, 1907, he issued the following circular:

"Gentlemen: A growing tendency on the part of manufacturers of sausage, bolognas, and similar meat products, to use various preparations and substances foreign to the legitimate ingredients necessary to the manufacture of these articles of food, the said preparations being commonly known and designated as fillers, binder, etc., has prompted this department to make a thorough investigation into such sausages. This has been done for the purpose of ascertaining the true reasons for the widespread practice of using the preparations mentioned.

The results obtained from the investigation as carried on in the department laboratory lead to but one conclusion, viz: that the addition of so-called binders and fillers to meat products is primarily for the purpose of substituting in part an inferior or cheaper substance for a legitimate ingredient, thereby lessening the cost of manufacture.

The first and second subdivisions of section 5012 of the compiled laws provide that an article shall be deemed to be adulterated within the meaning of the act,—first, if any substance or substances have been mixed with it so as to lower or depreciate or injuriously affect its quality, strength or purity; second, if any inferior or cheaper substance or substances have been substituted wholly or in part for it. Basing its ruling on the subdivisions of section 5012 above cited, this department holds that the addition of the so-called binders and fillers mentioned to meat products is contrary to law. From and after this day, manufacturers and dealers will be held to a strict account for each and every violation. Provided, however, that dealers within the state are given until January 25, 1907, to dispose of stocks on hand.

Yours very truly,

A. C. BIRD,

State Dairy and Food Commissioner."

This circular was sent to all the meat dealers of the state, and a copy sent to the complainant at Chicago. Those employed under the direction of the defendant food commissioner also verbally informed the retail dealers of the state that they would be prosecuted if they did not comply with the above order.

The trade of the complainant in Michigan was



very large, and the effect of this circular, and the threats of prosecution verbally made, naturally tended to decrease very largely the complainant's sales in this state, and to cause it considerable loss. Therefore, on November 18, 1907, complainant filed its bill of complaint in this cause, setting forth the above circular and threats on the part of the defendants, the injury to its business, that defendants were acting illegally in their conduct, and praying that they be restrained from "declaring in any manner, orally or in writing, to the customers and patrons of your orator, or to the people of the State of Michigan, that the sausages and other meat products of your orator containing cereal, manufactured and sold, and offered for sale in the State of Michigan, are sold and offered for sale in violation of any statute of the State of Michigan." The bill alleges that the sausage manufactured and sold by the complainant bear labels showing their respective ingredients, in accordance with the standard fixed by the laws of the United States and the regulations of the Department of Agriculture thereunder, a sample of said labels being set forth in the bill and reading as follows:

ARMOUR'S  
"DEVONSHIRE"  
Farm Style  
SAUSAGE MEAT.  
Made from the Meat of Hams and Selected  
Young Pork. Prepared with choicest spices and  
cereals.  
Armour & Company.  
U. S. Inspected and passed under the Act of  
Congress of June 30, 1906. Establish-  
ment 2 A.

An answer was duly filed denying that the sausage manufactured and sold by the complainant in this state containing cereals and water is a wholesome product, or that it is manufactured in accordance with the Act of Congress of June 30, 1906, and the regulations of the United States Department of Agriculture; or that it is a compound or mixture within the meaning of the proviso of Sec. 3, Act 193, Pub. Acts of 1895, as amended. The answer admits that the sausage of the complainant is shipped into this state in packages, or boxes, labeled with the trade name of the sausage, and the words "with cereal," but alleges that the consumer, or purchaser of the retail dealer, is in no way advised, when he purchases that the sausage contains cereal or cereal and added water, unless such purchaser purchased the entire package shipped to the dealer, and that even then he was not informed that the product contains added water.

Both the bill and answer contain other allegations which we deem it unnecessary to state. Issue was joined, proofs taken in open court and by deposition, and after a full hearing decree was entered dismissing the bill. The statute, C. L. Sec. 5012, under which the defendants claim to justify their action, is as follows:

"An article shall be deemed to be adulterated within the meaning of this act: First, if any substance or substances have been mixed with it, so as to lower or depreciate or injuriously affect its quality, strength or purity; second, if any inferior or cheaper substance or substances have been substituted wholly or in part for it; third, if any valuable or necessary constituent or ingredient has been wholly or in part

abstracted from it; fourth, if it is an imitation of, or is sold under the name of another article; fifth, if it consists wholly or in part of a diseased, decomposed, putrid, infected, tainted or rotten animal or vegetable substance or article, whether manufactured or not, or, in the case of milk, if it is the product of a diseased animal; sixth, if it is colored, coated, polished, or powdered whereby damage or inferiority is concealed or if by any means it is made to appear better or of greater value than it really is; seventh, if it contains any added substance or ingredient which is poisonous or injurious to the health; Provided, That nothing in this act shall prevent the coloring of pure butter. And provided further, That the provisions of this act shall not apply to mixtures or compounds recognized as ordinary articles or ingredients of articles of food, if each and every package sold or offered for sale bear the name and address of the manufacturer and be distinctly labeled under its own distinctive name, and in a manner so as to plainly and correctly show that it is a mixture or compound, and is not in violation with definitions fourth and seventh of this section."

Grant, J.

The following facts are admitted or established beyond controversy:

(a) The sausage manufactured by the complainant is a wholesome article of food. It contains nothing deleterious to health.

(b) It is a mixture or compound within the meaning of the proviso in the statute above quoted, being composed of meat, cereal, salt and spices.

(c) It is made in accordance with the Act of Congress and directions prescribed thereunder by the Commissioner of Agriculture, and under the inspection of the United States inspectors.

(d) Sausage is made of different kinds of meat, viz: pork, beef and veal. Whether manufactured for interstate commerce or domestic use within the state, it is sometimes made with cereal, and sometimes without it. Cereal is not a necessary ingredient to its manufacture, although it has been used by most manufacturers for many years.

(e) Water is an essential ingredient in the manufacture of sausage, whether made with or without cereal. This is shown by the evidence of the defendants. One of their witnesses, with an experience of thirty-five years, testified:

"In the manufacture of pork sausage we use pork, and if the pork is a little too fat we put in some veal or beef. It is necessary to have a little water added, a quart and a half to 100 pounds. It is pretty hard to make them without. We use a little more water than would be found in the meat when freshly killed."

Another who had been engaged in the manufacture of sausage since 1864, testified:

"I put a little water in pork sausage. I use from five to ten pounds of water to 100 pounds of meat. Enough to make it pliable, that is all. I use from eight to ten pounds of water in making beef sausage. I presume you could make sausage without water, but you could not stuff it very well."

Another, who learned to make sausage in Germany, testified:

"I have always used water and still use water in the manufacture of sausage. Water is necessary. They use water in making sausage in Germany. So far as I know everyone used it."



The United States regulations require that the water used shall be pure.

(f) It is not in violation of definitions four and seven of the act. It does not violate definition seven because it contains no substance or ingredient poisonous or injurious to health. It does not violate definition four because meat is the basis and principal ingredient of the article. As manufactured by complainant it contains from two to ten per cent of cereal. It is and has been for more than forty years, recognized in the trade as sausage. When sold as sausage with cereal added it deceives no one, is not an imitation, and manufacturers are entitled to manufacture and label it as sausage with cereal. It is not contended that manufacturers have not the right to use the name "sausage" when sold with a proper label.

The federal statute is practically identical with that of Michigan, and contains a proviso reading:

"That an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases:

First. In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced."

Acting under this law, the Department of Agriculture, on September 12, 1906, adopted the following regulation:

"Sausages and Chopped Meats. The word sausage without a prefix indicating the species of animal is considered to be a mixture of minced or chopped meats with or without spices. If any species of animal is indicated as pork sausage, the sausage must be wholly made from the meat of that species. If any flour or other cereal is used the label must so state. If any other meat product is added, the label must so state."

To this regulation the department added "manufacturers are warned that the above rulings do not exempt them from the enforcement of state laws."

The learned circuit judge in his opinion found that sausage manufactured as is that of the complainant "is probably as healthy as pure sausage such as was known to the fathers."

Briefly stated then, the case is this: Complainant, a resident of another state, is manufacturing and shipping into this state a wholesome article of interstate commerce in strict accord with the law and regulations of the federal government. State law cannot interfere with this interstate traffic. The law here involved does not attempt to interfere with it, or to deny to the complainant the right to sell and ship its goods to retail dealers in this state. There are, therefore, but two questions material to the determination of this controversy, viz:

(1) May the state through its legislatures enact laws regulating the domestic sales of this product to consumers within the state?

(2) Does the statute above cited include the product made by the complainant?

It is not contended that the state is not clothed with the power to regulate the domestic sale of such products after their shipment into the state. Intoxi-

cating liquor, which is a subject of interstate commerce, may be shipped into this state in original packages, but it cannot be sold within the state in violation of the state laws regulating or prohibiting its sale. No contention is made that the state statute in question is not constitutional and reasonable. Pure food laws have been enacted probably in all the states, and have been universally held valid when reasonable. The sole question therefore left to determine is whether the statute includes sales to consumers in small quantities taken from the original packages. If the domestic dealer were to sell an original package labeled as above to the consumer, such sale would be valid, because the label complies with the law and notifies the purchaser that the article is not a sausage of meat alone, but a sausage composed of meat and cereal. It is not contended that manufacturers of sausage have not the right to label their product "sausage" with the statement added that it is mixed with other products, specifying them.

If we understood the position of counsel for complainant correctly, it is that in construing this statute courts should be governed, not by the popular and common understanding of the meaning of the word "sausage," but by its trade and commercial meaning; that is, its meaning as understood between the manufacturers and their customers to whom they sell for retail to consumers. They say

"It is unmistakable that the legislature understood it was enacting a law with reference to an article of food which was then a subject of trade and commerce among the people. There were at times scores of different kinds of 'sausage' upon the market, that is, sausage made in different ways, a difference in the ingredients used in the various kinds, and a variance in the proportions used; and different manufacturers and dealers made and dealt in different kinds, and each knew that all this variety of meat food products were included in the term 'sausage,' and the legislature is charged with knowledge of that fact, and must be presumed to have used the term 'food' accordingly."

In support of this they cite several cases from the federal courts construing the tariff or duty acts, in which it has been held that the laws of Congress imposing duties upon imported goods must be construed with reference to the trade or commercial meaning of the articles mentioned in the law. Among the cases cited are the

Two Hundred Chests of Tea, 9 Wharton 430;

Cadwalader v. Zeh, 151 U. S. 171;

McCoy v. Hedden, 38 Fed. Rep. 89.

In the Two Hundred Chests of Tea it was held that "bohea tea" was used in the duty act in its known commercial sense, viz: "that article which in the known usage of the trade acquired that distinctive appellation."

In Cadwalader v. Zeh, the question was whether, under the duty act, earthenware consisting of small cups, saucers, mugs, etc., having on them pictures of animals and other objects, and letters of the alphabet, should have been assessed as toys with 33 per cent ad valorem, or as china, etc., with 60 per cent ad valorem. The case was held to depend upon the commercial meaning of the word "toys."

In McCoy v. Hedden, the question was whether curry-combs were dutiable under a provision imposing a duty upon combs of all kinds. If they were



not known to the trade among merchants as combs they were held not dutiable as such. These and other similar cases arose between the United States and importers of foreign goods, and do not apply to cases arising under the pure food laws of state governments. Courts will take cognizance of the well-known fact that farmers, laboring men and consumers are not generally familiar with the customs of trade and commerce in importing goods, or of understanding of the trade between manufacturers and merchants who buy those products for retail trade. Such construction would emasculate the pure food laws and deprive the people of the protection which the legislature wisely intended to give them.

Sausage is defined by all the lexicographers as an article of food composed of meat, salt and spices. (See Worcester's and Century dictionaries). The people generally so understand it. The writer of this opinion would be compelled to admit that until very recently he had no knowledge that cereal was used in the manufacture of sausage. It is too manifest for further argument that the legislature in enacting the law was not providing for the regulation of sales between manufacturers and merchants, but between retail dealers and consumers. They enacted the law solely for the protection of consumers, the people who buy and eat the products. The consumer who prefers sausage made of meat alone is entitled to be informed that he is buying such an article. The consumer who prefers sausage mixed with cereal is entitled to know that he is purchasing that article. The contention of the complainant, if sustained, would deprive the consumer of this right which the statute plainly gives him. We cannot follow *State v. Nesland*, 120 N. W. Rep. 107, (Iowa), wherein it is held sales in small quantities from original packages are not within the statute. In that case a pound of lard was sold from a fifty pound package properly labeled with its constituent parts, but it was held that the retail dealer was not required to label the small packages sold. That opinion is based upon the well-known rule that penal statutes must be strictly construed. The statute of Michigan expressly provides that these mixtures must be labeled showing the different kinds of ingredients contained in them. Sec. 2 is as follows:

"The term food as used herein, shall include all articles used for food or drink, or intended to be eaten or drunk by man, whether simple, mixed or compound."

This is a general statute covering all food products not otherwise specifically provided for. We consider its provisions perfectly plain, and not subject to any misunderstanding or uncertainty. To hold otherwise would substantially exclude all the benefits and protection to the people of the state which the statute was clearly designed to grant. We, therefore, hold that retail packages of small amounts taken from the original package of the manufacturer, and sold to the consumer, must be properly labeled as the law directs.

The court below dismissed the complainant's bill, thereby granting it no relief whatever. In view of the position taken by the food commissioner in his circulars and answer herein filed; and in view of the importance to the complainant, and to the people of the state to know under what conditions a wholesale article of interstate commerce may be sold in this state, we think the learned circuit judge should have entered a decree defining the rights and determining

under what conditions complainant, as well as other manufacturers, may have their valuable and wholesome products sold by the retail dealers, and to restrain the defendants from interfering with such legitimate sales.

The Food Commissioner, as above stated, denied in his answer that the sausage made by the complainant was a wholesome product, or that it was a mixture or compound within the meaning of the act, and insisted that it was an adulteration. His attitude is further shown by his reply to complainant's letter of January 17, 1907, asking "if there would be any objection to using cereal if such fact is stated on label same as provided by national law." He denied this permission, which was, not only a compliance with the federal law, but a compliance with the state law.

The use of cereal in the manufacture of sausage has been general. The State Food and Dairy Commissioner of Iowa, who at the time of the hearing below had held office for five years, testified to its general use in that state, stating that "the ingredients used by the Iowa manufacturers in making sausage are chopped meats, salt, spices, flour and sufficient water." In July, 1907, he issued a bulletin stating:

"The Commissioner has no authority to establish standards for the information of the public, it is here stated that this department will not interfere with the sale of sausage because of the presence of wholesome flour, provided that an analysis does not show more than five per cent of such flour."

It appears to be established by the evidence that sausage made with cereal is sold cheaper than that made of meats alone. If so, the people desiring to buy and eat the cheaper product should have the privilege of doing so, and such product should not by any decision of the court be prohibited from sale.

The opinion of the circuit judge does not prohibit its sale when properly labeled. He held that the trouble was not with the use of cereal, but in permitting the product to be sold at the retail counter without informing the customer that cereal is a part of it. Counsel for respondents conceded in the oral argument in this court that it was a wholesome food and was entitled to sale in this state, when sold under a proper label informing customers of what it is composed.

It is conceded that the use of cereal requires more water than does sausage made with meat alone. Any one of intelligence would, upon reflection, know this to be the fact. The only doubt I entertain in the case is whether the label should, in addition to the words "with cereal," contain also "and water." In view of the fact that water is generally used in the manufacture of all sausage, and that no law or regulation of the food department has fixed the amount of water that may be used, it would seem like judicial legislation for the court to require the label to show that water is used in the manufacture.

The statute does not require the label to state the proportion of the ingredients composing the mixture, but only the names of the ingredients. The statute makes special provision for butter, cheese, lard, canned fruits and vegetables, coffee and molasses. There are other statutes governing the manufacture and sale of specific products requiring the proportions of the ingredients to be placed upon the labels such as Act 123, Pub. Acts 1903; *People v. Harris*, 135 Mich. 136.

It is within the power of the legislature to pass an act specifically providing for the manufacture and sale



of sausage, and that the labels should state the proportions of the ingredients used. We hold a label "sausage with cereal" upon packages sold to consumers is a compliance with the statute in labeling the mixture, and a decree should be entered so stating. The decree will be reversed and a decree entered in this court in accordance with the above opinion. No costs will be allowed.

### THE BENZOATE OF SODA CONTROVERSY.

**H. R. Wright, Food and Dairy Commissioner of Iowa, Says That Best Evidence at Hand Indicates That Benzoate Is Harmless and That Its Use Does Not Cover Up Damage or Inferiority.**

(By H. R. Wright, Food and Dairy Commissioner of Iowa.)

Every discussion of the benzoate of soda question ought to be prefaced with the statement that the food laws of the whole country have been interpreted to prohibit the use of formaldehyde, boric acid, salicylic acid, and every other chemical preservative of any and every kind, with the single exception of benzoate of soda. To discuss the subject of food preservatives and to give the impression that the whole list of food preservatives is still in question is deceptive in the greatest degree. The fact is, and it is perfectly well known to every food authority, that, as stated above, no question now arises relative to the use of chemical preservatives in foods except the benzoate of soda question.

There are two phrases which occur in practically all food laws, both state and national, under which it has been sought to prohibit the use of benzoate of soda in food products. Food laws prohibit in general terms the sale of a food product containing any added ingredient which renders or which may render the food product deleterious to health. Food laws very generally prohibit the sale of food products to which anything has been added for the purpose and with the effect of covering up damage of inferiority.

#### ARGUMENT OF BENZOATE OPPONENTS.

The argument made by the opponents of benzoate of soda is, first, that its addition in the usual amount renders the article deleterious to health, and second, that the use of benzoate of soda enables the manufacturer to cover up the fact that his product is made from unsound, unwholesome, filthy or rotten ingredients.

Unfortunately, the determination of the validity, or otherwise, of the arguments made against benzoate of soda have been greatly complicated by a commercialism on the one hand, and by over-zealousness on the other. A great many persons have learned that nearly everyone will eagerly listen to condemnation of any food practice. But since the determination of the question as to the deleterious or innocent character of benzoate of soda is purely a scientific question, it is a little difficult to see how the mere opinions of persons not scientifically trained are competent evidence upon the matter in controversy.

#### NO SUCCESSFUL BENZOATE PROSECUTIONS.

The practice of pure food authorities for a considerable number of years has been to attempt to wholly eliminate the use of all chemical preservatives other than benzoate of soda, and while a very considerable number of food officials have protested against the use of benzoate of soda, so far as known to this department, no successful prosecutions for the

use of benzoate of soda have been made—indeed, I know of no prosecutions of any kind attempted—while prosecutions for the use of boric acid and of salicylic acid and formaldehyde have been very common and uniformly successful. That is to say, the courts of various states have uniformly upheld the contention that salicylic acid and boric acid and formaldehyde are deleterious ingredients in foods, but there are no court decisions of any kind known to this department that uphold the contention that benzoate of soda is an unwholesome ingredient in foods.

Wisconsin and Indiana injunctions have been secured against the food authorities of those states



HON. H. R. WRIGHT.

restraining them from interfering with the sale of foods containing this preservative, which practically amounts to a judicial determination that the contention of the food authorities is incorrect. Pennsylvania has a new statute, enacted less than a year ago, which specifically permits the use of sodium benzoate "in the preparation of those articles in which it has heretofore been generally used, in quantities not exceeding 1-10 of one per cent, or benzoic acid equivalent thereto," and further provides, that packages of foods so preserved shall show the fact upon the label. Wisconsin, on the other hand, has a new law which prohibits the use of benzoic acid or benzoates "except when used on goods for shipment and applied externally."



## DR. WILEY'S EXPERIMENTS.

Several years ago, experiments were undertaken by the Bureau of Chemistry of the National Department of Agriculture to determine the deleterious or innocent character of benzoate of soda and benzoic acid, and the department eventually issued a bulletin asserting that benzoate of soda and benzoic acid were deleterious to health and ought not to be used in food.

There was, however, such a wide difference of opinion among scientific people that the experiments referred to were not thought to be conclusive and upon appeal to the Secretary of Agriculture, the matter was brought to the attention of President Roosevelt and upon authority a referee board of consulting scientific experts were appointed by the secretary of agriculture, to whom were propounded the following questions:

(1) "Does a food to which there has been added benzoic acid, or any of its salts, contain any added poisonous or other added deleterious ingredient which may render the said food injurious to health? (a) In large quantities? (b) In small quantities?"

(2) "If benzoic acid or any of its salts be mixed or packed with a food, is the quality or strength of said food thereby reduced, lowered, or injuriously affected? (a) In large quantities? (b) In small quantities?"

The board consisted of Prof. Ira Remsen, Johns Hopkins University, Baltimore; Prof. John H. Long, Northwestern University, Chicago; Prof. C. A. Herter, Columbus University, New York City, and Prof. Russell H. Chittenden, Yale University, New Haven, Conn. Three separate experiments were conducted—one by Professor Long, one by Professor Chittenden and one by Professor Herter.

## REFEREE BOARD'S REPORT.

The following quotation from their report shows the general character of the investigation, the methods employed and the conclusions reached:

The same general plan of procedure was followed in all three experiments. A certain number of healthy young men were selected as subjects, and during the period of four months these men, under definite conditions of diet, etc., with and without sodium benzoate, were subjected to thorough clinical and medical observation, while the daily food and the excretions were carefully analyzed, and otherwise studied, and comparison made of the clinical, chemical, bacteriological, and other data collected. In this manner material has been brought together which makes possible conclusions regarding the effect of small and large doses of sodium benzoate upon the human system.

In fixing upon the amount of sodium benzoate that should constitute a "small dose" we have adopted 0.3 gram of the salt per day. Manufacturers of food products which, in their view, require the use of a preservative are in general content with 0.1 per cent of sodium benzoate. This would mean that in the eating of such a preserved food the consumer would need to take 300 grams per day, or nearly two-thirds of a pound, of preserved food to ingest an amount of benzoate equal to our minimal daily dosage. Looked at from this point of view, our dosage of 0.3 grams per day seemed a fair amount for a "small dose," one that would clearly suffice to show any effect that small doses of the salt might exert, especially if continued for a considerable length of time. In all these three experiments this daily dosage was continued for

a period of about two months. Under "large dose" was included quantities of sodium benzoate ranging from 0.6 gram to 4 grams per day. Such a daily dosage was continued for a period of one month. In a few instances somewhat larger doses were employed.

The fact should be emphasized that the results obtained from the three separate investigations are in close agreement in all essential features.

## REFEREE BOARD'S CONCLUSIONS.

The main general conclusions reached by the referee board are as follows:

(1) Sodium benzoate in small doses (under 0.5 gram per day) mixed with the food is without deleterious or poisonous action and is not injurious to health.

(2) Sodium benzoate in large doses (up to 4 grams per day) mixed with the food has not been found to exert any deleterious effect on the general health, nor to act as a poison in the general acceptance of the term. In some directions there were slight modifications in certain physiological processes, the exact significance of which modifications is not known.

(3) The admixture of sodium benzoate with food in small or large doses has not been found to injuriously affect or impair the quality or nutritive value of such food.

## THE GOVERNMENT'S BULLETIN.

The length of the experiments, the high character and ability of the experimenters, and the thoroughness of their work was such that their conclusions were immediately accepted as correct and final, and Food Inspection Bulletin No. 104, of which the following was the substance, was immediately issued by the Secretary of the Treasury, the Secretary of Agriculture and the Secretary of Commerce and Labor:

"It having been determined that benzoate of soda mixed with food is not deleterious or poisonous and is not injurious to health, no objection will be raised under the Food and Drugs Act to the use in food of benzoate of soda, provided that each container or package of such food be plainly labeled to show the presence and amount of benzoate of soda."

No scientific question can be in a short time settled to the satisfaction of everybody and therefore the controversy relative to benzoate of soda still continues. However, for practical purposes, in enforcing food laws the conclusion of the referee board of consulting scientific experts is an authority. Until there is some conclusive evidence to show that these eminent scientific experts erred in their conclusions it is extremely improbable that any court will sustain the contention that benzoate of soda as a preservative in food products is deleterious to health.

## VIOLENT CONTROVERSY CONTINUES.

It is worthy of mention that up to the last year or two, practically every manufacturer and packer of catsup, sweet pickles, crushed fruits, soda fountain syrups, sweet cider and other products of similar nature has used benzoate of soda, except in those cases where they used boric acid and salicylic acid. Nevertheless there now exists a violent controversy between the adherents of two commercial ideas—one contending that benzoate of soda which they formerly used is extremely unwholesome and covers up the presence of inferior and unwholesome ingredients used in the manufacture of products; the other denying this contention relative to benzoate of soda and making the same general accusation against the use of acetic acid and various spices used by their com-



petitors. While it is unfortunately true that there are food producing factories which are not conducted in a cleanly manner, it is a little difficult to believe that the addition of a colorless, tasteless, odorless preservative of any kind in percentage not greater than one part in a thousand cannot seriously cover up the odors and flavors of rotten or mouldy vegetables or fruits, the use of which is alleged.

Prof. John H. Long, in his address before the National Association of Food and Dairy Commissioners at Denver, related the following experiment which was undertaken by him at the invitation of certain medical gentlemen in Chicago, and the results of this experiment seems to point to the conclusion that the thought of concealing the presence of rotten materials in such a product as catsups by the use of preservative is preposterous:

The catsup was made by a gentleman representing a large manufacturing firm. He sent to the laboratory a mass of rotten tomatoes, but I had meanwhile gathered up more rotten tomatoes, apples, a few peaches and some bananas also. These batches were allowed to rot further through four or five days, producing, of course, a mass far worse than anything which could come up in practice but which would serve well to illustrate a fact, and when the two physicians and the catsup men came to the laboratory the physicians stated they would prefer to have my material used. This was done, and some two gallons of product were made.

Some of this was preserved with vinegar and spices, some with benzoate, and some was left unmixed. The odor and taste of the last was bad; that with the benzoate essentially the same, while with the vinegar and spices a fair grade of commercial catsup was secured. A worse lot of raw material could not be imagined, yet the inferiority in the one batch of product was completely concealed by the use of the vinegar and spices. And this is a perfectly logical result.

The professional men who witnessed the experiment went away convinced that sodium benzoate is absolutely inert as far as concealing inferiority of materials is concerned. It has no odor, no color and but little taste; it can not make a bad product good or appear good, but this last is in many cases very easy with sufficient use of spices or acetic acid in the form of strong vinegar.

I am firmly of the opinion, therefore, that the charge against sodium benzoate that it serves to conceal inferiority, is quite without foundation as far as this product, catsup, is concerned, and the same is doubtless true of other products, in which its use for this purpose is alleged.

It is believed that the best evidence at hand at this time indicates first, that benzoate of soda in any amount likely to be used is harmless; second, that its use does not cover up damage or inferiority. It will, therefore, be understood that the Iowa department will follow the ruling of the national department, relative to benzoate of soda.—Twin City Commercial Bulletin.

The crusade against the exhibition of food stuffs on the sidewalks and against the use of false weights and measures, started some time ago by the St. Paul (Minn.) Association of Retail Grocers, is well under way now. A series of meetings between the grocers in various parts of the city have been arranged for with the object in view of stirring up interest in these subjects.—American Grocer.

#### BLEACHED FLOUR TEST CASES.

It is now expected that the test case to decide whether the millers will be allowed to continue to bleach flour with nitrogen peroxide, as has been the custom in the past, will be tried in Minnesota.

The first test case was arranged to be tried in Des Moines, Iowa, but it was discovered that the government's case in this contemplated prosecution was decidedly weak and the goods seized were found to contain an abnormally minute amount of the adulteration complained of, hence, Mr. Pierce Butler, who, upon this discovery was asked by Attorney General Wickersham to take charge of the bleached flour cases, had these Des Moines cases dismissed and the flour which was seized ordered released. The government intends to try another case under normal conditions and confidently expects a verdict in its favor.



Pierce Butler was born in Minnesota, March 17, 1866. He graduated from Carlton College, Minnesota, in 1887, and was admitted to the bar in 1888. He was appointed Assistant County Attorney of Ramsey county in 1891, and elected County Attorney of Ramsey county in 1882, and re-elected in 1884. In 1896 he entered general practice as a member of the firm of Eller, How & Butler. In 1899 he was appointed General Attorney for the Chicago, St. Paul, Minneapolis & Omaha Railway Company. Re-entered the general practice of law as a member of the firm of How, Butler & Mitchell, of which firm he is now a member. He was a member of the St. Paul Public Library Board from 1900 to 1909. Was president of the State Bar Association of Minnesota, 1908-9. Mr. Butler was appointed Special Assistant Attorney General of the United States to prosecute Bleached Flour Cases in 1909. He is a member of the Board of Regents of the University of Minnesota.



# THE AMERICAN FOOD JOURNAL



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## THE PRICE OF PROTECTION.

The report of R. G. Dun & Company, shows the cost of foods still advancing. Wages remain stationary. Trade while in some lines increased on account of holiday stimulus, in other lines is lessening, while the artisan and professional man, wet nurse and undertaker cannot charge more for their services than formerly and must take greater chances in collections. On the strength of the advertised prosperity, rents and other fixed charges have increased making the journey of life difficult if not impossible to the man of moderate means and immoderate family.

Fortunately many of the staple products and necessities of life have remained within reach of the day laborer. Beans, almost as nutritious as meat, are still bought by measure instead of per bean. Bleached flour has advanced but little in price; onions do not belong to the union; clothing is not high price protected; stockings, thanks to the delegation of lion hearted Chicago females who conquered Payne and the proposed tariff are still twenty-five cents per pair, irrespective of size. The standards of value among our German friends remains unchanged as a large schooner of beer still sells for half a dime.

But man cannot live on beer and beans alone. Generally the high price of commodities has lessened the value of money and in effect has lowered wages. The effect of this is shown in the switchmen's strike and the general demand for an increase in wages to meet increased expenditures. Wages as ever will be the last to respond to depreciated currency.

Various causes have been advanced for the inflated food values. "Extravagance," says Taft, and he commences vigorously to prune expenses to fit the depleted revenues. "Frugality" says Foust, and the seductive bargain counter, and his guaranteed cure is to buy the most expensive or go without. "Fraud" says the butter-men because oleomargarine is colored in imitation of butter, and at a butter price. "Taxation" says the oleo man because the Government makes the poor man pay ten cents a pound on colored oleomargarine or pay ten cents a pound premium on butter because competition with cheap oleomargarine is prevented by the government.

"The Pure Food Law" says the manufacturers because cheap foods are abolished. "The Meat Inspection Act" says the packers because animal foods cost more to prepare and millions of pounds are condemned and destroyed which loss falls not on

the producer but on the packer and through him on the consumer. "The Muckrakers" say all because they damage without cause or care both home and foreign markets.

It is probable that all the reasons advanced and many more contribute to the era of increased cost of food and of living generally. Of one thing we are positive—i. e., that proper pure food laws judicially enforced do not advance the actual cost of living although they may apparently increase the price of an individual commodity. When run down to the last analysis, however, it will be found that the increased price represents proportionately increased quality, purity or strength, whereby a smaller amount is needed to accomplish the same result. State food laws and state food control by state food officials is at least twenty-five years old. Ten years ago a majority of the northern states had food laws vigorously enforced. Only in rare instances can it be shown that these laws directly or indirectly increased the selling price of any legitimate commodity. The price of oleomargarine, butter and milk in several states has doubtless been advanced a fraction by licenses and other forms of taxation but the advance in price has represented quality and safety. The National Food and Drugs Act is in the main as conservative and as rational a food law as that of any state. It has faults in administration and in some instances we believe unwisely interpreted. It is inherently extravagantly expensive to enforce. In this expense lies some of the increased cost of food. Other unnecessary expenses paid by the consumer and caused by the administration of the food law are—new labels and new goods continually required to meet the divergent and conflicting rulings under the law; the uncertainty of the manufacturer as to just what goods would be considered salable and which contraband under the law; The conflict of state and national laws; The false and deplorable sentiment or opinion promulgated by the sensationalist that cheap foods are of necessity poor foods and should be shunned; The reducing of all manufactured goods to uniform quality, eliminate advertising and the value of advertising, eliminating enthusiasm and real competition which means less goods sold and less goods used.

All of the above conditions have their good features as well as their bad features. It is quite probable as the food law becomes older and more fixed in its provisions and these provisions become more understood by the trade and by the consumer that the bad or expensive features will be largely or totally eliminated leaving only the good to be shared by each purchaser according to his desires and his pocketbook.

## GOVERNMENT WINS BORIC ACID [CASE AT PEORIA]

The case of the United States against fifty cans more or less of Preserved Whole Egg was tried before Judge Humphrey, without a jury in the United States District Court at Peoria, Illinois, on December 9th and 10th.

The eggs were fresh whole eggs broken into forty-two pound cans and preserved with boric acid. The boric acid being mixed with the eggs. The amount of boric acid was 2 per cent. The eggs were intended for use in bakery goods.

The charge made by the government was that the



boric acid was a deleterious ingredient and might render the eggs injurious to health.

The manufacturers of the eggs defended the case on the legal ground that the U. S. Court had no jurisdiction over the eggs because they were not shipped in interstate commerce for sale, but were shipped by a bakery company in Peoria to itself for manufacturing purposes. The eggs belonged to the bakery company before they were shipped, and they had them stored in a St. Louis warehouse. Therefore they had simply shipped their own eggs to themselves, and they claimed they could legally do so. The case was, however, defended by the manufacturers of the eggs, and these points were raised by the manufacturers, the bakery company declining to defend the eggs and claiming they did not know how the eggs had been preserved, or that they contained boric acid.

The judge overruled the legal defense of the egg company, and the case was then tried on the issue of whether or not the boric acid rendered the eggs injurious to health.

The government witnesses described the famous "poison squad" experiments, which witnesses testified that these experiments proved beyond a doubt that the use of boric acid in food was injurious to health. The government also introduced the testimony of two physicians who said that they had used boric acid in their practice and had found it injurious to health.

The evidence produced by the egg company was that the president of that company had used the eggs containing the boric acid in his family for upwards of five years. That these eggs had been used in everything in which eggs were used in his home, and were occasionally eaten as scrambled eggs. He said his wife used the eggs to settle the coffee, and that they sometimes had coffee three times a day. That they used the eggs in pancakes and waffles, and had either pancakes or waffles almost every morning during the winter. That they used the eggs in angel food and all other kinds of cakes and cookies, and also in pies and custards. Also in ice cream, and in fact in everything in which eggs are used in a home. In addition to this they used borax in the bath and used borax to clean their teeth. He testified that his family consisted of himself and wife and two children, about 12 and 16 years, respectively, and father-in-law and mother-in-law about 60 or 70 years of age. He said that they have not had a doctor in their home during those five years, and that they have had no medicine except about three or four years ago some medicine for a cold or some slight complaint, and that they have had none of the symptoms the government said were developed in the poison squad and that they are now in perfect health.

The egg company also introduced the evidence of two Peoria physicians, who said they did not consider the use of boric acid in food injurious to health, but they said they would not administer the amount that would be in three of the eggs in this case.

The manager of the bakery company also testified that his family had used the eggs almost exclusively in a like manner to the other family for over three years. That his family consisted of himself and wife and child 5 years, and that the child began using the eggs when the child was two years old. Also that his family has enjoyed perfect health.

Attorney Thomas E. Lannen, who defended the case for the egg company argued at the close of the testimony that the judge should decide in favor

of the eggs, because the evidence of the government was based on theory and that according to that theory a family using the eggs continuously would be dead or fatally maimed and injured at the end of from three to five years, and since the actual use of the eggs proved the theory wrong the evidence based on the theory should be ignored.

At the conclusion of the trial the judge decided the case in favor of the government and found the eggs injurious to health.

U. S. District Attorney Northcott and Assistant District Attorney Converse tried the case for the government.

#### MR. HARRIS NOT IN THE SAME CLASS.

Mr. Harris, publicity expert on borax for Pacific Coast Borax Company, objects to being put in the same class as William Wolff Smith, publicity expert engaged in knocking benzoate of soda for a syndicate of interested manufacturers. We appreciate and respect Mr. Harris' feelings in the matter. Mr. Harris takes the reasonable ground that it makes no difference what man makes a statement or for whom he works, if the statement is correct. Mr. Harris asserts that he has confined all his statements to facts and statistics. We will not question this at all. At the same time we believe that on all evidence of a scientific nature the public is entitled to know the witness and whether or not he appears for an interested party or purely in the interest of science, so that the public may judge of the reliability and give proper weight to the evidence. The question involved is not altogether what the facts are but what set of alleged facts the public will accept as facts on which to base their conclusions.

In time Truth will triumph, of course, but it should not be in chains longer than necessary to the detriment of individual rights and the pursuit of happiness. Any statement of fact, however correct, of financial advantage to any particular business is not pure reading matter but advertising and should be paid for. Not only the student who gathers and compiles the facts but the paper which gives them publicity is entitled to payment according to services rendered. The newspaper which runs its advertisements deceptively as pure reading matter is not considered in good standing. Therefore, in strict fairness any article or statement submitted to a paper should be signed directly or by agent by the persons financially benefited and should appear in the publication as an advertisement which in fact it is.

We would not object to any firm getting as much free advertising as possible in any publication but our own but when questions involve public sentiment and public suffering or public health are concerned or even business probity and public welfare we believe the public is entitled to weigh on a true balance all the arguments which make the evidence and all the evidence which makes the case.

#### DR. REED'S INGLORIOUS EXIT.

Dr. C. A. L. Reed, of Cincinnati, announces his retirement from public life, giving as his reasons the necessity for exclusive attention to his private practice.

Dr. Reed has been the field marshal in the war which has raged during the past year on the subject of benzoate of soda.

It has been his fine Italian hand which has directed



the passage of condemnatory resolutions by professional bodies against the use of benzoate of soda. It was he who criticized the findings of the Remsen Referee Board at the Denver convention of the Association of State and National Food and Dairy Departments, in a speech and in a manner which must ever stand to his discredit, professionally.

This man, who poses as a patriot, personally and through his lieutenants has harangued the multitude against the findings of their own government; he has misled his professional associates to their own humiliation and chagrin and in his campaign against certain alleged adulterators of food he has himself become an adulterator of the truth. He has so prostituted his sense of professional ethics as not only to make his own ambition to become the head of the proposed new Department of Health at Washington, an impossibility of fruition but has made his entire campaign obnoxious and reproachful in the minds of the national administration, as is illustrated by the fact that the president, in his recent annual message to Congress, confined his recommendation to the establishment of a bureau rather than a full fledged department of health with cabinet dignity and powers.

Such is and must ever be the legitimate end of a charlatan who seeks to thrive by public confusion.

Dr. Reed retires from public life with no testimonials of public favor, no endorsements of his cause which are not already on the way to repudiation and no encomiums of a "well done good and faithful servant" brand.

#### **ANOTHER MANUFACTURED SENTIMENT STUNT.**

There is going the rounds of the food control officials reprints from an article of "The National Stockman and Farmer," of October 7, 1907, entitled "The Way of a Politician," all in the same style, manner and form. Like all the pro-Wiley press notices which have emanated from the pen of tainted news fame William Wolf Smith and his ilk during the past two or three years, the article originated at the same source, inspired by the same cowardly motive; the envelopes are of the same texture and style; the postmark from same location; the typewriting of the same type and the same color of ink ribbon; with no return address to indicate its origin. The article in question is designed to attack the attitude of Secretary Wilson at the Denver convention of the Association of State and National Food and Dairy Departments. Secretary Wilson needs no defender and may well afford to ignore such attacks, especially when, as in this case, it originates in a publication which has been stricken from the mailing list of the Department of Agriculture for disregarding one of the inviolable rules recognized by every high principled journal, not to print any public document until the date of release. A publication so lost in its own self-respect cannot hope to inspire any respect and consideration for its articles and verily those who were defeated at Denver are hard pressed when they resort to such tactics, as the circulation among many of an article from such a tainted source, though perhaps it is in keeping with the past history and dark lantern methods by stabbing in the back and in the dark; the sunlight of day is unknown to these assassins of character and the commissioners who have received the clipping should understand its source and its object.

#### **CERTIFIED COLORS.**

It is now over a year since the regulations restricting the use of coal tar colors to seven recognized harmless colors were issued. Considerable delay in the enforcement of this ruling was occasioned by the failure of the manufacturers to make colors pure enough to pass the specifications and receive certification by the department. However, such colors are now produced and offered for sale by several color manufacturers. There is no reason why the regulation should longer be a dead letter. Doubtless the food control officials will take steps to enforce it. In the interest of uniformity each state should issue a bulletin forbidding the use of any but the declared harmless colors, except perhaps such states as North Dakota, Wyoming and Minnesota, which, by law, forbid the use of all coal tar colors whether harmless or otherwise.

The use of the seven colors will give manufacturers a sufficient variety to make attractive displays and the public will not need to take a chance on colors which may not be perfectly harmless and at least are known to be harmful in large doses. The food law of every state is sufficiently specific enough in its definition of adulteration to enable the state authorities to confine the use of coal tar colors to the harmless varieties. Of course, a reasonable time limit should be named to allow manufacturers to dispose of goods otherwise colored now in the hands of the trade.

#### **NEW OHIO BULLETIN.**

Hon. Renick Dunlap, Dairy and Food Commissioner of Ohio, has issued a bulletin giving a list of the patents and proprietaries sold in Ohio with the serial number when provided and the percentage of such ingredients as are required to be published on the label according to the laws of Ohio. The Ohio law in this particular follows the National Food and Drugs Act. This information Mr. Dunlap says is for the guidance of druggists in relabeling old stock on hand not properly labeled by the manufacturer. Dealers are given until December 31, 1909, to comply with the law. The list as given by Mr. Dunlap is large if not complete, and its compilation laborious. Apparently, however, no effort was made to verify the statements of the manufacturers as to percentage composition of the goods. In some instances the statements are made quite contrary to the law. Thus alcohol in many preparations is stated as "not over 5 per cent," "not above 10 per cent," "about 20 per cent," etc. Undoubtedly Commissioner Dunlap is actuated by the worthiest of motives, in that he wishes to be of the most possible service to the dealers of the state, but we cannot help feeling that it is a bad policy and precedent for a food commissioner to take the responsibility for misbranded goods from the manufacturer and dealer and place it on the food commissioner. Moreover in apparently recommending forging the U. S. serial number on old and unguaranteed goods, we believe Commissioner Dunlap is unintentionally aiding and abetting fraud.

#### **THE SAUSAGE DECISION.**

Armour & Co. won an important decision in the courts over Hon. A. C. Bird, Dairy and Food Commissioner of Michigan, in the famous sausage case. While the courts did not definitely answer the question "What is a sausage?" they affirm that the sausage as



made and labeled by Armour & Co. is legally sold in Michigan under the Michigan Food Law and that Commissioner Bird was wrong in going around the state condemning Armour & Co.'s product and threatening to arrest all dealers selling any sausage product containing cereals, and that his conduct in this connection was improper and without authority of law.

The decision squarely holds:

1st. That Armour & Co.'s product is not adulterated as charged.

2d. That it is properly labeled under the laws of Michigan.

3d. That the product is wholesome.

4th. That the use of water and cereals is right.

5th. That sausage is a mixture and compound.

6th. That the retailer must stamp the parcel to show that the parcel contains cereal under a proviso of the statute of Michigan relating to mixtures and compounds.

7th. That Armour & Co. is entitled to the injunction.

#### REPORT OF THE SECRETARY OF AGRICULTURE.

The growing work of the United States Department of Agriculture, has made the mere outline of the yearly investigations a stupendous work. The annual report of the Secretary of Agriculture just issued shows a wonderful diversity of work and reveals a system of organization probably without a parallel in the business world. It is safe to say that very few men possess the combination of practical knowledge of farming with technical knowledge of all the sciences on which it rests to successfully direct the work of so important and intricate a bureau.

The report of Secretary Wilson as regards the Food and Drugs Act of which he is the administrative head is given in full in this issue. Every dealer in food products should make himself familiar with every word of it and learn just where he stands on the pure food question.

#### COMMISSIONER JONES FOR GOVERNOR.

The *Wabash Pearl* comes out in a two-page write-up nominating Hon. A. H. Jones, Food Commissioner of Illinois, for the next Governor of Illinois. Every little while some Southern Illinois paper comes out strongly for Commissioner Jones for Governor, and it is noteworthy that the commendation of the Illinois Food Commissioner comes as often from Democratic and Independent papers as from Republican papers. Undoubtedly if Egypt were allowed its political rights Commissioner Jones would already have been elected Governor of the state. It goes without saying that THE AMERICAN FOOD JOURNAL seconds the nomination of the Hon. Alfred H. Jones for Governor of Illinois.

#### A CORRECTION.

In our November issue we stated on the authority of the Philadelphia North American that Prof. E. E. Smith was one of the men requested to leave the meeting of the Pennsylvania Medical Society because he championed benzoate of soda before that association. Prof. Smith writes that although he was present at some of the general meetings of this convention and did make a statement as to his views on preservatives at the request of a committee appointed to consider that matter, that he did not, however, at-

tend the session of the house of delegates in question and was not at any time requested to leave that or any meetings.

As for this journal we are prepared to accept Prof. Smith's statement over that of any newspaper report and especially of a paper like the North American, whose only purpose is to make a readable story to help their crusade and make their crusades contribute to their finances.

#### SECRETARY WILSON TO STAY.

Members of the small beer aggregation flitting in and out of Washington have been circulating the report that Sec'y Wilson was to resign on January 1st. While no doubt the wish is father to the thought in one bureau of the department, in a recent interview by a correspondent of the American Food Journal, Secretary Wilson emphatically denies that he contemplates resigning. He says there is absolutely no foundation for the report that he will retire to private life early in January. As nearly as can be ascertained the secretary is well satisfied with his present position, and while he is establishing a record for length of service in the cabinet, he is not remaining in Washington merely for that purpose, but because he enjoys his work and is giving satisfaction to the President.

#### WHY NOT FORCE THE ISSUE?

Attention is called to the address of Prof. J. H. Beal, delivered at Atlantic City, in which he says:

"As a matter of fact our laws are exactly upside down on the subject of preservatives. Instead of using the resources of government to hunt down and convict the manufacturer who uses a harmless anti-ferment in proper amount, they should be employed to detect and punish the man who is so careless of the public health as to send his products into the market without such an addition."

Would it not be in order for the Department of Agriculture and the nineteen states which voted with the government at Denver, to prohibit food products from entering into Interstate Commerce that do not contain a harmless anti-ferment in proper amount, etc. An order of this kind would soon send certain manufacturers and press bureaus to cover and put the general line of knockers out of commission.

#### THE PRESIDENT COMMENDS SECRETARY WILSON'S REPORT.

President Taft, in his annual message to Congress, calls attention to Secretary Wilson's report, and says:

"I commend to your careful consideration the report of the Secretary of Agriculture as showing the immense sphere of usefulness which that department now fills and the wonderful addition to the wealth of the nation made by the farmers of this country in the crops of the current year."

#### NEW OHIO DRUG LAW.

The Ohio State Pharmaceutical Association, through its secretary, Dr. Theo. D. Wetterstroem, of Cincinnati, Ohio, have issued a circular to the druggists of Ohio, calling their attention to the vital importance of supporting a bill in the Ohio legislature, entitled: "To regulate the itinerant vending of medicine, nostrums and appliances for the treatment of disease, injury or deformity, and to provide for the licensing of vendors of the same."



This bill will come up before the coming session and all the retail druggists are a unit for the passage of this bill.

#### NEW YORK INVESTIGATES MILK PRODUCERS.

Attorney-General O'Malley of New York state has recently appointed John B. Coleman of the firm of Finch & Coleman, New York City, to investigate the existence of a combination to control the prices of milk in New York City. Mr. Coleman will begin work at once and appoint a referee to hear all witnesses called.

Mr. Coleman as counsel for the Anti-Smoke League has a record for accomplishing things, and we trust he will get the evidence on this combination that is robbing the poor in New York. There is no worse monopoly than one which extracts its blood money from the poor at the price of the children's lives.

New York State and New York City have of late taken the lead in all matters pertaining to the protection of the public. The State Food Department and the City Health Department are models of their kind and efficiently officered. Insurance, illegal voting and other frauds are being investigated and rooted out. Now Governor Hughes is after the milk producers.

Chicago should observe, assimilate and apply.

The evidences of a combination among producers are plainer than in New York. It is beyond doubt contrary to law, and ought to be suppressed.

Of course care costs money, and good and fancy milk is expensive, but that is a different proposition from the extra cent squeezed out by the combinations or unions to maintain a high price in milk. In Chicago and New York the dealers have been unjustly blamed for these high prices, and prosecutions have even been instituted against the milk dealers in Chicago, but which miserably fell through for lack of evidence. The real reason for the simultaneous advance in price of milk was of course the ironclad contracts with the unions made months in advance to go into effect at a certain date. Dealers in Chicago have been selling at so low a margin of profit that large numbers of the smaller dealers have failed, leaving the field largely to the big companies, who, through volume of business, reduce the expenses of handling and delivering milk to a minimum.

#### NEW YORK'S PURE DRUG SHOW.

Prominent houses in the drug trade gave exhibits at a Pure Drug Show in Madison Square Garden the week commencing Monday, Nov. 15th. The affair was under the auspices of the National Druggists' Exhibition Company, and was arranged especially for dealers and manufacturers who wished to get their products before the public and buyers in the trade. Besides the drug displays there were a number of popular attractions, including an exhibit on prevention of tuberculosis, showing model tenements, etc., and a complete plant illustrating the pasteurization of milk.

Acting under instructions from the Department of Agriculture at Washington, 120 cans of olive oil were seized at Atlanta, Ga., by the United States authorities for alleged violation of the pure food law. It is alleged that the cans contain a mixture of olive and cottonseed oils, and are misbranded in that no mention is made of the latter in the labels. The oil was shipped here by G. P. Calogera of New York City.

#### ILLINOIS FOOD STANDARD COMMISSION APPOINTED.

Hon. Charles S. Deneen, Governor of Illinois, on Monday, December 13th, 1909, appointed Charles E. M. Newton, representing the food manufacturing interests of the state, and Dr. Walter S. Haines, of Rush Medical College, to act with Commissioner A. H. Jones, who acts ex-officio as the third member as per the provisions of the Illinois State Food Law.

The commission will meet at the office of the State Food Department, Monday, Dec. 20. A tentative organization has already been made with Commissioner Jones, as chairman. Dr. Bryan, the state analyst, will act as recording and corresponding secretary, and



DR. T. J. BRYAN

Recording and Corresponding Secretary.

Asst. Commissioner Newman will probably generally act for Commissioner Jones in Mr. Jones' absence. It is probable that the Standard Commission will follow the procedure of the two standard committees heretofore organized and invite interested parties to present briefs or arguments before the commission, bearing upon the question of standards for food. According to statements of individual members of the commission they desire to obtain all possible information before making a standard upon any subject.

We invite attention to the report of Mr. Thomas Lannen on State and National Laws and rulings as related to saccharin, preservatives and coloring. It is up to the minute and can be relied on for correctness in every detail.



**WHY NOT TWO CONVENTIONS.**

By Alfred N. Cook, South Dakota Food and Drug Commissioner.

Vermillion, S. D., December 9, 1909.

In a recent letter, the editor of THE AMERICAN FOOD JOURNAL asked me to express for publication my opinion concerning the suggestion which has been made to divide the convention of State and National Food and Dairy Departments into two separate bodies, to meet at the same time and place.

I would say in the beginning that I am opposed to the idea, and on the following grounds:

First. The business of the commissioner is of such a nature that he finds it very much to his advantage if he happens to have some knowledge of chemistry, and the more he comes in contact with, and comprehends the chemical phases of the subject, the better.

Second. There is a growing tendency on the part of state authorities to appoint chemists to the position



PROF. ALFRED N. COOK.

of food commissioner. At the present time at least one-fourth of all officials having charge of the food work in the various states are chemists, and if as suggested the two conventions were held at the same time, these members would be deprived of at least part of one or the other, whereas they should have the full benefit of both. One convention or the other might practically be broken up at times from sheer non-attendance, when either was considering a question of absorbing interest.

Third. Science is the handmaid of the industries and most of the learned professions, and the trend of the times is to bring them into closer alliance; and this should be no less true with regard to the work of food control. No question can be too scientific. It may be too technical in form to be readily understood by the laity, but such is not commonly the case with the problems in question. Many of the methods and most of the general deductions are of such a nature as to be readily understood by those who have had but a very limited chemical training.

These conventions are not held for the purpose of educating the "common people." They undoubtedly derive a great deal of information from reading the accounts in the daily newspapers, but this is only incidental, and, while I believe it is highly desirable that they should continue to take a lively interest in these matters, the programs should be arranged solely with respect to the needs of food officials.

In conclusion, I would say that I believe the most practical and important problems now before the commissioners are whether or not such substances as sodium benzoate or alum, for example, which have become such common constituents of foods, are injurious to health. While it is true, as stated by Dr. Remsen, that these things must be worked out in the laboratory and cannot be settled by controversy, yet controversy contributes very much toward their elucidation and proper understanding. History continually repeats itself. And while it has been more public, the history of sodium benzoate has been the history of many another scientific problem in the last hundred years. The fact that it has aroused such heated discussions should not disturb us. These great and far-reaching problems, I believe, will continue to be the field of the hottest controversy for some years to come. They should be sifted to the very bottom and every food commissioner should give them the fullest consideration until perfect understanding and agreement has been reached.

Very much experimental work remains to be done, and the results obtained in the various laboratories should be discussed from every conceivable standpoint, and who among all men should be more interested and come closer to these problems than the food commissioners?

I believe that instead of eliminating the chemical phases of the work and "divorcing the chemists" from the Commissioners' Convention, an afternoon, at least, should be set aside and devoted to reports of the latest results obtained in the various food laboratories with respect to preservatives. I believe the executive committee should give this feature special attention in making up the program for next year.

By Willard Hansen Utah Dairy and Food Commissioner.

Salt Lake City, Utah, Dec. 4, 1909.

Editor AMERICAN FOOD JOURNAL, Chicago, Ill.

Dear Sir: In reply to your letter of Nov. 23, asking my opinion of an article written by Hon. James Foust, Dairy and Food Commissioner of Pennsylvania, will say that I am very busy and should not care to make a special article on this subject, but take pleasure in giving you a few of my ideas. I think our friend Foust has about the right ideas concerning the convention. As a member of the convention I was enlightened but little if any on a great many questions I had in mind in relation to the food work, as the discussion of benzoate of soda took up the larger part of the time.

As to the question of divorcing the chemists and food commissioners, I am not well enough informed as to just what effect it would have. As I look at the question at present, we should all work in harmony, for without the chemists we would be without our main advisers. At a meeting held in my office recently there were present Commissioner E. W. Burke and Henry G. Knight, State Chemist of Wyoming, Commissioner James H. Wallis and Chemist Claude Mason, and George E. Hyde, President of the State



Board of Health of Idaho, and Herman Harms, State Chemist of Utah.

We discussed just such subjects as we are meeting every day and felt that so much good was accomplished, that we effected a temporary organization, and hope to meet again in the near future at Boise, Idaho, asking the commissioners and chemists and food officials of our western states to join us in this



HON. WILLARD HANSEN.

good work. My idea has been for a long time that the dairy and food commissioners and chemists should meet with each other in the adjoining states and discuss with the manufacturers and jobbers questions that are coming up every day for the marketing of their goods. As the laws are different in every state, a great deal of trouble is being experienced by the manufacturers in making their goods conform with the various state laws, and I feel that when we meet with the manufacturers and jobbers, and visit their plants and talk with the foremen of the various departments and learn the many problems they are up against, we shall have a warmer place in our hearts for them and work diligently to help them overcome their many difficulties, for after all we are all striving to the same end, to build up our state and nation.

I should be willing to do anything in my power to create harmony and system in our pure food work and want all the members of our convention to ever count on me to this end. I remain,

Very truly yours,

WILLARD HANSEN,  
State Dairy and Food Commissioner.

By L. Davies Washington Dairy and Food Commissioner.

Davenport, Wash., December 10th, 1909.  
AMERICAN FOOD JOURNAL, Chicago, Ill.

Gentlemen: Any movement towards separate conventions, one for the practical work of dairy and food departments and the other to discuss the scientific side would receive my support. Personally, I

was not able to attend the Denver convention but a representative was there from this department. It is to be regretted that dairy interests received such scant attention in view of the fact that so many of the delegates have jurisdiction in dairy as well as food matters, in fact the meeting is one of dairy and food officials.

Let the scientific side be threshed out by experts in separate convention, possibly at the same time and place, and let the definite conclusions arrived at be adopted by the practical side, the commissioners in their convention. Then let the commissioners discuss practical questions. The people are practical and what they demand from the dairy and food officials is practical results.

Co-operation of state and federal officials is most desirable and conducive of the best results; accordingly it would seem best to continue to have the state and federal scientists as well as those having the practical enforcement of the laws at these meetings. Commissioner Foust of Pennsylvania, has also suggested that a member of one convention could not be a member of the other except where, as in some states, one person is both chemist and commissioner. Could not the president of the association appoint a committee to work out these details to present to the next annual meeting? I think the Pennsylvania commissioner has struck the right chord and his suggestions should receive the consideration they merit.

Very truly yours,

L. DAVIES,  
Dairy and Food Commissioner.

#### Commissioner Birds' Views.

We have a communication from Commissioner Bird of Michigan, in which he states that he has not given



HON. A. C. BIRD.

the matter sufficient consideration to qualify for the expression of a definite opinion, and further says:

"I cannot forget that our association is an association of food departments rather than of food commissioners, or food law executives. To accept the new proposal would mean to me the abolishment of



our present organization and the formation of a new one on a very different plan. In other words, it seems to me at present that it would be narrowing our field rather than broadening it. It may be that the narrower field is the more attractive and the more useful one. Of this, however, I am uncertain and indeed have considerable doubt. It seems to me Commissioner Foust's proposition is deserving of long and careful consideration and that it may properly be discussed at considerable length at our next meeting."

#### TEMPORARY ASSOCIATION OF FOOD OFFICIALS OF THE WESTERN STATES.

A meeting was called November 27, 1909, at 10 o'clock, in the office of the Utah Dairy and Food Commissioner, for the purpose of forming a temporary organization. The following food officials were present:

Willard Hansen, Dairy and Food Commissioner of Utah.

James H. Wallis, Dairy and Food Commissioner of Idaho.

Dr. George E. Hyde, President State Board of Health, Idaho.

E. W. Burke, Dairy, Food and Oil Commissioner, Wyoming.

Herman Harms, State Chemist of Utah.

C. D. Mason, State Chemist of Idaho.

Henry G. Knight, State Chemist of Wyoming.

Mr. James H. Wallis, Food and Dairy Commissioner of Idaho, was elected temporary chairman. Henry G. Knight, State Chemist of Wyoming, was elected secretary-treasurer.

The name "Temporary Association of Food Officials of the Western States" was adopted.

A committee of three was appointed by the Chair to look up the laws of the various Western states, to study their similarity and difference, and to make a report at the next meeting. The following committee was appointed: E. W. Burke, Food and Oil Commissioner of Wyoming; Willard Hansen, Food and Dairy Commissioner of Utah; Dr. George E. Hyde, President of the State Board of Health of Idaho.

James H. Wallis, Dairy and Food Commissioner of Idaho, and Henry G. Knight, State Chemist of Wyoming, were put on a committee to formulate resolutions.

Dr. Hyde moved that the chemists of Idaho, Utah and Wyoming be made a Referee Board, to whom any questions may be submitted by the food commissioners. This motion was carried. Mr. Herman Harms was made chairman of this Referee Board.

The following resolutions were adopted:

Whereas, It being the sentiment of the members of the Temporary Association that a greater good is accomplished by working in harmony; and

Whereas, It is fully realized that it is difficult for manufacturers to carry on business in the various states where the laws are not uniform; and

Whereas, It is the desire of the members of the association to help and protect manufacturers; therefore, be it

Resolved, That this association make it a special object to work towards the uniformity of laws in the various states; and be it further

Resolved, That the object of this association shall be to bring our state laws as near as possible into uniformity with the national laws.

Resolved, That we appreciate to the fullest extent the cordial treatment and royal reception we have received from the manufacturers and jobbers of Utah, and assure them that they have no better friends in their honest efforts to comply with the law than those of us who have been called to enforce its provision.

Resolved, further, That we extend to the representatives of the Utah Pure Food Bureau, Commissioner Willard Hansen and Chemist Herman Harms, our appreciation for their untiring efforts to make our gathering such a success, and congratulate them upon the effective work they have accomplished in their pure food campaign.

Resolved, in conclusion, That we shall carry with us warm remembrances of the special efforts made by those princes of men, J. G. McDonald and C. W. Mount, to make our stay in the capital of Utah pleasant in every particular.

JAMES H. WALLIS,  
Food Commissioner of Idaho,  
HENRY G. KNIGHT,  
State Chemist of Wyoming,  
Committee.

It was agreed that Boise, Idaho, should be the next place of meeting. The time was left open, the matter to be taken up by correspondence by Mr. James H. Wallis and Henry G. Knight, to suit the convenience of the various commissioners and other state officials concerned, but the meeting is to be held sometime during the coming spring.

(Signed) HENRY G. KNIGHT,  
Secretary-Treasurer.

#### STATE OF MINNESOTA DAIRY AND FOOD DEPARTMENT.

##### BULLETIN No. 33.

To Oyster Dealers and Others Interested:

Your attention is particularly directed to the provisions of Section 4993, Revised Laws 1905, which section reads in part as follows:

"Section 4993.—Adulteration or Imitation of Foods, etc.—Every person who, with the intent that the same may be sold as unadulterated or undiluted, shall adulterate or dilute wine, milk, distilled spirits, or malt liquors, or any drug, medicine, food or drink for man or beast; or shall offer for sale or sell the same as unadulterated or undiluted, or without disclosing to or informing the purchaser that the same has been adulterated or diluted; \* \* \* where special provision has not otherwise been made by statute for its punishment, shall be guilty of a misdemeanor and punished by a fine of not less than \$25.00, or by imprisonment in the county jail for not less than thirty days."

*Jobbers and dealers are hereby cautioned against receiving from packers or others, oysters which have been adulterated by the addition of water or ice, and retailers are also cautioned not to dilute oysters with water nor permit ice to come in direct contact therewith.*

The trade will be given until January 1, 1910, to so adjust its business as to comply with this law.

ANDREW FRENCH,  
Commissioner.

St. Paul, Minn., Nov. 20th, 1909.

Illinois now boasts of the first legally constituted Food Standard Commission ever formed. Its members are shown on our front cover.



**DR. BARNARD MISLEADS GOV. MARSHALL**

Governor Marshall, of Indiana, in a recent Sunday afternoon address, in Indianapolis, upon a semi-religious topic, made the assertion that there were murderers among the food manufacturers of the country—not murderers who go into the alleys with revolver and stiletto, but of the kind who put benzoate of soda in food and by which the innocent little children are slaughtered.

The governor reiterated the statement that benzoate of soda was only used by those who wished to conceal inferiority of product—a statement which it would seem superfluous to deny in face of incontrovertible facts—and cited as his authority, the State Chemist and also the Secretary of the State Board of Health—who, as is well known is Dr. J. N. Hurty, an officer let it be said whose writings and expressions show the opposite opinion.

An interview with Dr. John H. Long, a member of the Remsen Board, published in the *Indianapolis Star*, took sharp issue with the governor and showed that his statement, as proved by actual demonstration was the reverse of the truth. The same dispatch also carried an interview with Campbell MacCulloch, Secretary of the National Association of Public Health, of New York, in which the responsibility for so misleading Governor Marshall was placed immediately at the door of Dr. Barnard—the offense being emphasized all the more since Dr. Barnard was present when Dr. Long first recited the experiments made at his laboratory in the presence of two physicians of Chicago, and which experiments must ever stand as conclusively proving the contrary of the governor's assertion.

The following correspondence has since been published in the *Star* in continuation of the controversy:

That some manufacturers of food products are unwilling to abide by the almost unanimous condemnation of benzoate of soda as a food preservative by the medical fraternity is apparent from the continual appearance in the public press of articles usually inserted as news, but as a matter of fact paid advertisements intended to discredit the stand taken by physicians and by manufacturers who are able to do without preservatives. Much of this material has been circulated by the so-called Association for the Promotion of Public Health, an organization formed more for the purpose of combating the growing sentiment against the use of preservatives than of improving health conditions. This association is making much capital of the investigations made by Prof. J. H. Long of the Remsen Board.

Not content with doing the work outlined by the referee board to determine whether or not benzoate of soda is injurious, Prof. Long, at the behest of certain manufacturers, who were dismayed at the action of the American Medical Association in passing a resolution against the use of benzoate, has attempted to break down the argument that the preservative is used for the purpose of making possible the employment of unfit raw material. Inasmuch as evidence to this point is conclusive Prof. Long took strenuous efforts to refute it. He prepared several messes of vegetable pulp, one lot of which was preserved with vinegar and spices, another with benzoate, and a third was not treated at all.

Since the goods preserved with benzoate were, when tasted and smelled, apparently in the original rotten condition, and the goods containing the spices changed

in character by the spices added, Dr. Long concludes that benzoate of soda does not conceal inferiority of material. It is surprising that Dr. Long should resort to such a crude, impractical and useless method to prove his point. No one has ever claimed that benzoate of soda in the quantities that are usually used possesses either color, taste or odor. The action of the preservative in concealing the use of unfit raw material lies in the fact that the manufacturers of tomato pulp put skins, cores and tomatoes in every degree of fermentation and decomposition in barrels and then by employing benzoate of soda, make sure that this unfit raw material will remain in a condition suitable for use by the catsup manufacture, whereas, if no preservative were used the product would be lost.

It is at this point that the use of benzoate of soda conceals inferiority and it is in just this way that it has been used to a great extent. But now, with few exceptions, packers of catsup, realizing that the consumer is better posted than formerly as to the use of preservatives, buy only materials which are put up fresh, sound and unfermented, and are therefore able to make and market a catsup which contains no artificial preservative. So far as Indiana packers and canners are concerned they appreciate this fact and are content to rely upon proper methods of manufacture and the use of suitable raw material to keep their product from spoiling in the barrel and bottle both before and after the package is opened.

Dr. Long proves nothing by his comparison of vegetable pulps beyond showing what every one knows that spices have taste, odor and color and that benzoate of soda has not. Dr. Long is up against facts which cannot be controverted. He should know, if he does not, that the manufacturer who uses unfermenting and decaying pulp employs benzoate of soda to keep it in salable condition and that the manufacturer who uses sound stock and modern methods of sterilization does not use this preservative. It is, indeed, unfortunate that a member of the referee board, appointed to determine a scientific fact, should lend himself to any coterie of manufacturers who may wish to exploit him in defense of their practices.

H. E. BARNARD,  
Indianapolis Star.

From Indianapolis Star, November 28th, 1909.

To the Indianapolis Star: In your issue of November 18, appears a letter from H. E. Barnard, the State Chemist of Indiana, which contains statements, some true, some specious and the rest misleading. I have deliberately made use of the word "misleading" primarily because I prefer to believe that Mr. Barnard is only an incompetent scientist and not a willful and malicious perverter of self-evident facts with which he is familiar.

Mr. Barnard innocently tars himself with his own pitch-weapon when he states that there are continually appearing in the public press, "articles usually inserted as news but intended to discredit the stand taken by physicians and manufacturers who are able to do without preservatives." Without going further for the moment I desire to inquire what possible use physicians have for preservatives? I would ask Mr. Barnard what manufacturer he knows of who can or does make preserves without a preservative?

Mr. Barnard has stated that, "much of this material has been circulated by the so-called associa-



tion for the promotion of public health, an organization formed more for the purpose of combating the growing sentiment against the use of preservatives, than of improving health conditions." Mr. Barnard's statement which is totally without warrant loses much of its force when it is examined. In the first place the association mentioned was not formed for the purpose Mr. Barnard alleges, nor is it a "so-called association," for it is legally incorporated under the laws of the state of New York. It is engaged in combating not "the growing sentiment against preservatives," but the very point Mr. Barnard says he is combating, himself—the use of inferior methods and materials—which is a prime factor of the public health, and one of the phases of this association's activity.

Mr. Barnard's assertion that the association is issuing mis-representative advertising concealed as news-matter is not well founded for the very manufacturers whose interests Mr. Barnard is indirectly serving are engaged in that questionable form of welfare conducted by a discredited Washington correspondent already exposed in *Colliers* and the *Arena* magazine.

Mr. Barnard makes a great outcry against this association's use of Doctor J. H. Long's experiment which proved that benzoate of soda could not be used for the purpose Mr. Barnard has long insisted it could be used for, but he has apparently failed to mention that the only method by which rotten decayed goods can be profitably and successfully marketed is by the use of the ascetic acid-spices method and which, by inference at least, he advocates, this in the face of his chief's—Dr. J. N. Hurty's—well known and exhaustive researches with which he must be thoroughly familiar.

Mr. Barnard's argument that benzoate of soda can be and is used by pulp manufacturers is unquestionably true, but it does not necessarily mean that it should be interdicted on that account, for the remedy lies not in such an interdiction, but in adequate federal inspection. It is unquestionably a fact that a means that is adequate for defense is not infrequently used as a weapon for offense, and I think there are a few persons who will argue that because dynamite is used by the "Black Hand" to commit an outrage, it should be made a penal offense to use it at all, and this is applicable to innumerable principles and methods. The facts are that used as benzoate of soda, should be used, and as it is used, it is a safe, clean, efficacious preventive of disease and that the ascetic acid-spice method used as it is used is a clumsy, unsafe and pernicious method of arriving at a desired result, not only in that it permits bad materials to be used and their use concealed, but because spices and ascetic acids, in fact that whole aromatic series, are dangerous to the human system.

In his conclusion Mr. Barnard has mis-stated his case when he says: "Dr. Long is up against facts which cannot be controverted." He should have said: "Mr. Barnard is up against facts which cannot be controverted." And the majority of these facts are in Mr. Barnard's office at this instant. As to the last five lines of Mr. Barnard's communication I beg to apply them to himself with but slight change. It is indeed unfortunate that a state chemist appointed to safe-guard the public welfare in a scientific way should lend himself to a coterie of

manufacturers who wish to exploit him in defense of their products.

CAMPBELL MAC COLLOUGH.  
Secretary Committee on Publication, National Association for the Promotion of Public Health.

#### FROM PROF. BEAL'S PRESIDENTIAL ADDRESS AT ATLANTIC CITY.

Equally as foolish and hurtful, perhaps even more so, are the laws which specifically or in general terms prohibit absolutely the use of the preservatives afforded by modern science for the protection of certain foods and drinks against putrefaction and fermentation.

I believe that it may be asserted without fear of successful contradiction that not one well authenticated instance can be procured of injury resulting from the use of foods containing what may be termed the modern antiferments, when employed in no greater quantity than necessary to prevent decomposition; while on the other hand, myriads of cases might be cited of injury resulting from the use of foods decomposed through the lack of such protection. In a very liberal per cent of cases where the certificate of the medical officer reads "died from natural causes," the true certificate would read, "poisoned by ptomaines administered in accordance with the statute in such case made and provided."

Furthermore, every theoretical argument that can be urged against the use of these modern preservatives on the ground of their being antiferments can be urged with equal force against common salt, vinegar and wood smoke, which have been used as food preservatives since pre-historic times.

The quintessence of the comic opera is absurdity, but what author of comic opera would have the temerity to represent a nation of 80 millions of alleged civilized people as employing an army of inspectors, chemists and other officers at an expense of hundreds of thousands of dollars annually to compel its citizens to eat ptomaine-poisoned food, and inflicting pains and penalties upon such manufacturers as dared to avail themselves of the resources of modern science to prevent such an evil.

As a matter of fact, our laws are exactly upside-down on the subject of preservatives. Instead of using the resources of government to hunt down and convict the manufacturer who uses a harmless anti-ferment in proper amount, they should be employed to detect and punish the man who is so careless of the public health as to send his products into the market without such an addition.

That there are preservatives that may be harmful in almost any quantity, and that others harmless in small amounts may be harmful in excessive amount goes without saying, but surely it should be possible to draught laws against such evils without stretching the definition of adulteration to such an extent as to cause the infliction upon the public of greater evils than the laws prevent.

In view, therefore, of the great and constantly increasing importance of this subject to the practice of pharmacy, I recommend that the president be instructed to appoint, or that the association of its council select a committee of discreet and competent persons to take into consideration the legal definition of adulteration, especially as applied to the use of preservatives, and to report their conclusions at the next annual meeting of this association, this report,



when approved, to be made the subject of a communication to the general public, and to the governors of the various states, in order that the average citizen may have the opportunity of learning the facts concerning the use of preservatives.

When the average citizen comes to know that much of what is called adulteration is such only by virtue of false and stupid legal definition, and that much of the law for which he pays and which purports to be for his protection, in fact harms him both in body and in purse, and is not infrequently used as the instrument of official graft and plunder, then, and not before, may he expect legislation that is rational and helpful instead of imbecile and damaging.

#### ILLINOIS FOOD COMMISSION BULLETIN NO. 17.

Chicago, December 8, 1909.

It has come to the attention of this department that there are a great many artificially colored pecans on the market. Investigation has shown that some are colored with coal tar dye, some with crude iron oxide, which is ordinarily used in the manufacture of paint, some polished with soapstone, and others colored with the coloring matter of woods which is extracted by means of wood alcohol, a poisonous substance. It is needless to say that those colored by the last mentioned process are absolutely prohibited by the State Food Law.

The use of harmless coloring matter in food products is forbidden by the State Food Law under the conditions stated in Section 3—Fourth: "That for the purpose of this act, an article shall be deemed to be *adulterated* . . . If it be mixed, colored, powdered, coated, polished or stained in any manner whereby damage or inferiority is concealed, or if it is made to appear better or of greater value than it really is." Where color does *not* conceal inferiority or make the article appear better or of greater value than it really is, its addition to any foodstuff *nevertheless constitutes an adulteration* if no notice to that effect is given to the consumer. Hence when such nuts are offered for sale they must be in properly labeled packages, or if sold in bulk the vendor or dealer must place a placard on them stating that they are *artificially colored*. Failure to do this will subject the dealer to prosecution.

A. H. JONES,

State Food Commissioner.

#### CHICAGO RETAILERS MOST HONEST.

**Government Investigation Says Chicago Affected Less Than Any Other City by Short Weights—Only 5 Per Cent of Cheaters Here—60 Per Cent Elsewhere.**

Chicago is the model city in the protection of its citizens from the short weight evil. According to the result of an investigation being carried on by the United States Bureau of Standards, only about 5 per cent of the scales of butchers, grocers, and other retailers in the city of Chicago have been found faulty. In other large cities as high as 60 per cent of the scales examined gave underweight.

The inquiry of the government into these conditions is purely educational in nature. It has no authority to intervene in the prosecution of tradesmen who cheat their customers by means of doctored scales. It is up to the state and city governments to protect their citizens from the fraud.

The federal government, however, is interested in encouraging the establishment of inspection systems in cities and states. In some cities there is absolutely no provision for checking up on the weights and measures used in stores and markets. In other cities what inspection systems do exist are extremely lax.

In Chicago, however, the story is a different one. According to the findings of the government investigators City Sealer Kjellander is giving a vigorous enforcement administration of the law. He has been working in conjunction with the bureau of standards of Washington, and not only has applied the most improved principles of supervision to the weights and measures given by retailers, but he has invented devices of his own.

This carries out the contention of the Committee on Manufacturers of the last General Assembly of Illinois, who refused to report out a net weight bill, declaring that the law was ample in cities where the administrative forces did their duty as is evidenced in the case of Chicago's city sealer.

There is considerable talk of a bill to be introduced in Congress during the present session to modify or amplify the National Food and Drugs Act to include the appointment of a committee of nine or ten members to frame standards for food and drug products for the guidance of the officials and the courts in the administration of the National Food Law.

#### RECENT CONVICTIONS BY THE ILLINOIS FOOD COMMISSION.

Date.	Name.	Town.	Offense.	Counts.	Fine.
Nov. 12th, '09,	G. K. Malcolm,	Chicago,	Colored oleomargarine,	..	\$50.00
Dec. 6th, '09,	Gus Steiner,	Park Ridge,	Illegal milk,	3	15.00 and costs, and costs on other 2.
Dec. 1st, '09,	DesMoines Creamery Co.,	Evanston,	Colored oleomargarine,	..	50.00 and costs.
Dec. 10th, '09,	Eclipse Tea & Coffee Co.,	DesPlaines,	Colored oleomargarine,	..	25.00 and costs.
Nov. 10th, '09,	Sam D. Masher,	Somonauk,	Illegal milk,	..	15.00 and costs.
Nov. 1st, '09,	A. J. Dougherty,	Streator,	Illegal milk,	..	25.00 and costs.
Nov. 20th, '09,	J. H. Foulkner,	Russell,	Illegal milk,	..	15.00 and costs.
Nov. 26th, '09,	B. C. Melville,	Russell,	Illegal milk,	..	15.00 and costs.
Nov. 24th, '09,	J. T. McNamara,	Russell,	Illegal milk,	..	15.00 and costs.
Nov. 5th, '09,	John Furnankiewicz,	Joliet,	Illegal milk,	..	15.00 and costs.
Nov. 15th, '09,	John Arion,	Morrison,	Illegal milk,	..	15.00 and costs.
Nov. 15th, '09,	John Bielema,	Fulton,	Illegal milk,	..	15.00 and costs.
Nov. 27th, '09,	S. H. Lahman,	Belvidere,	Illegal milk,	..	15.00 and costs.
Nov. 27th, '09,	A. E. Swail,	Belvidere,	Illegal milk,	..	15.00 and costs.
Nov. 27th, '09,	D. S. Chamberlain,		Illegal cream (for- maldehyde)	..	15.00 and costs.
Nov. 27th, '09,	E. V. Spate,		2 milk, 1 cream	3	15.00 and costs.



**A GOVERNMENT BUREAU OF HEALTH.**

In his first annual message to Congress President Taft refers as follows to the plan for a government bureau of health:

"There seems to be no reason why all the bureaus and offices in the general government which have to do with the public health or subjects akin thereto should not be united in a bureau to be called the 'Bureau of Public Health.'"

Such an institution of the federal government has long been needed. There has been too much diversity of opinion and effort among government officials whose work brought them into touch with questions affecting the public health, particularly in food matters. The lack of a bureau with clearly defined jurisdiction and competently officered to handle such food questions has been responsible for much of the disturbance which has recently marked public food discussion.

Through lack of such a bureau the handling of many food matters fell into the hands of an agricultural chemist with an itch for notoriety and a talent for obtaining it, but otherwise manifestly unfit to handle such important problems. We presume if the President's recommendation is adopted by Congress this man will be a candidate for the head of such bureau, and that he will have powerful support for the place, despite his unenviable record as a scientist.

In one particular the President's recommendation for the reference to the new bureau of all subjects akin to public health should not apply, and that is in regard to meat inspection. This is a matter of vital importance as affecting the public health, but there are powerful reasons why it should remain within the jurisdiction of the Bureau of Animal Industry of the Department of Agriculture. The first is that by reason of its equipment and experience in the handling of livestock questions the Bureau of Animal Industry is the best qualified, and indeed the only logical authority for the supervision of the manufacture and marketing of meat food products. The second is that three years of experience have proved the integrity and efficiency of the bureau's meat inspection service beyond question, and in the face of the bitterest attacks on it both at home and from abroad by those who for selfish reasons sought to discredit it.

There is no reason to suppose that the President or his advisers contemplate the inclusion of meat inspection in the scope of work of the new Bureau of Health. Any who do hold such a view may and should be made to alter their opinions by a presentation of the situation as it actually exists.—*National Provisioner*.

**BUILDING FOR CHEMISTS.**

The Chemists' Club of New York will, in a very short time, erect a new club house at 50 to 54 East 41st street, near Park avenue. The building will be ten stories high and will contain, besides the quarters of the club, the library of the American Chemical Society, which is one of the largest of its kind in the country, and also laboratories where chemists may conduct their investigations. There will also be a large hall, where meetings of the club and conventions may be held. Chicago chemists are also contemplating following the plans of their New York brethren and expect to start in at the beginning of the new year raising a fund for a building for the Chicago Chemists' Club.

**UNITED STATES DISTRICT ATTORNEY SIMS SUES UNDER PURE FOOD LAW.**

District Attorney Sims has instituted sixteen suits on Dec. 18th, 1909, for the collection of penalties from alleged violators of the pure food law. Assistant District Attorney C. A. Legg filed the suits in the District court.

Ten firms are hit in the suits brought under the pure food and drugs act. These firms are:

Barrett & Barrett Company, 55 Michigan street, charged in three suits with shipping in interstate commerce cider represented to be pure when it had been doctored with acid and coloring matter.

L. Crafts & Co., two suits charging the misbranding of Neufchatel cheese made from skimmed milk when it should be made from whole milk.

Dallemand & Co., 120 West Ohio street, alleged to have shipped misbranded goods in interstate commerce.

Emmert Proprietary Company, 2345 West Madison street, alleged to have shipped misbranded bottles of Dr. Winchell's soothing syrup.

Murray & Nickell Manufacturing Company, Elgin, alleged to have shipped misbranded powdered colocyath.

Make-Man Tablet Company, 1221 West Lake street, two suits charging the misbranding of packages of tablets.

Sethness Company, 718 North Curtis street.

Puhl Manufacturing Company, 212 West Kinzie street, charged with shipments of Mexican vanilla extract, misbranded.

Spielmann Bros., 1001 West North avenue.

Stein, Hirsch & Co., 2831 Ashland avenue.

The suits under the pure food law constitute the second lot of such cases started by District Attorney Sims since the passage of the law. A number of similar cases were prosecuted several months ago.

The law provides for the collection of a penalty of not more than \$200 for a first offense. Men who have offended against the law more than once are subject to both fine and imprisonment.

Flavoring extracts, soothing syrups, beverages, patent medicines, vinegar, liquors and other products are subject to the investigations District Attorney Sims and the expert investigators employed by the government have been carrying on during the last few months. Other prosecutions are to follow as quickly as evidence can be gathered against the offenders.

**MANUFACTURERS PLEAD GUILTY TO FOOD LAW VIOLATIONS IN FEDERAL COURT.**

The Hall-Whitney Manufacturing Co., of Albany, makers of extracts, pleaded guilty of violating the pure food law before Judge Ray in United States District Court in Utica, N. Y., on Dec. 8 and was fined \$200 on two indictments.

The Failing-Nellis Co., of Albany, pleaded guilty to similar charges based upon the manufacture of headache powders and was fined \$100. A plea of guilty was also entered by the Delaware Drug Co., of Hancock, N. Y., for a similar offense, and a fine of \$50 was imposed. In each instance lawyers of the defendants mentioned extenuating circumstances.

A fine of \$500 was imposed on James G. Stevens, of Clinton Hills, N. Y., who pleaded guilty to having shipped to Boston and Plattsburg parties butter made in Canada and smuggled into this country.



### TAFT STUDYING WHISKEY.

**Decision May Be Published Before End of Christmas Holidays—Testimony in Disputed Case Is Very Voluminous.**

Washington reports say that President Taft is putting in all his spare time these days struggling with the question of "What is Whiskey?" By succeeding appeals the question has been carried through the food and drink experts of the Department of Agriculture, charged with the administration of the pure food and drugs act, to the Solicitor General of the United States and to the president himself.

The printed evidence and the briefs of the distinguished attorneys who have appeared in the controversy, form a record equal to that of many of the cases which the Supreme court of the United States is called upon to determine, and the president is living again the life of a federal judge when he takes to his private library in the evening the volumes of testimony and argument which he peruses in the hope of reaching soon a strictly legal decision on the mooted question.

President Taft is working upon the whiskey problem with a view of publishing in the near future a decision. It is said that the president did some work upon this when he returned to Washington this fall, but laid it aside to write his message to Congress. The message now being off his hands, he has at last turned to the old question of whiskey. The president has not yet completed his decision in the matter. It is understood that he is studying carefully the testimony that was submitted to him following the publishing of the decision of Solicitor General Bowers upon this subject when it was believed the rectified whiskey interests secured a victory over the straight whiskey people. It seems likely that President Taft will publish his decision in this matter before Congress meets after the Christmas holidays, and before problems of legislation begin to demand his consideration. The whiskey question has been left open ever since the issuance of the opinion of Solicitor General Bowers last spring.

### TO DETECT BLEACHED GRAIN.

**Department of Agriculture Explains Simple Methods.**

The U. S. Department of Agriculture has issued a report on a simple method of detecting sulphured barley and oats.

"For years it has been the common practice in some grain centers to subject stained or discolored barley and oats to a process of bleaching in order to remove, or at least partially remove, the discoloration and to a certain extent improve the appearance of kernels otherwise damaged. The common agent to accomplish this result is sulphur in the form of sulphurous acid and the process itself is known by different names, among which are the terms 'sulphuring,' 'bleaching' and 'purifying.'

"The general appearance, especially the color, of barley and oats has an important bearing in determining their commercial grades and values, and in view of the fact that the bleaching of these grains has become common, and because it is oftentimes difficult to discriminate between grain that has been bleached and grain that is naturally bright in appearance, it was deemed expedient to use a simple qualitative method, by means of which the grain merchant or grain inspector could determine whether or not grain has been sulphured. Heretofore the sense of smell or the personal judgment has been the only means available to

practical grain men of differentiating between the natural and the bleached grains."

The report goes on to discuss the method of bleaching used, the chemicals necessary for detecting sulphured grain, the method of testing grain, the necessity for cleanliness and the tests of natural barley in comparison with sulphured barley.

### NATHAN STRAUS OFFERS PASTEURIZING OUTFIT TO WASHINGTON, D. C., TO HELP FIGHT ON TUBERCULOSIS.

Health Officer Woodward has just been offered from Nathan Straus a large milk pasteurizing plant to enable the authorities of Washington to protect the people from the milk of tuberculous cows.

In his letter making the offer, Mr. Straus wrote:

You are to be congratulated on your courage in telling the truth, namely, the fifteen per cent of those who die from tuberculosis are victims of drinking raw milk from tuberculosis cows. It is only by such clear and lucid statements of the responsibility of tuberculosis milk for the prevalence and persistence of the great white plague, that the public can be led to avail themselves of the protection against disease afforded by thorough pasteurization of the milk supplies.

In this connection I want to recognize the important services that you have rendered humanity by your enlightened stand in the milk question; and I want to aid you in your brilliant work of reducing the death rate of Washington, and help you to make the capital of the United States the healthiest city in the world.

WOULD MAKE MILK SAFE.

I have long had this on my mind, and nearly a year ago I told Surgeon-General Wyman of my desire. From your statement of the dairy conditions round about Washington, it seems to me that the time has arrived.

I would like to present to the city of Washington, through you, a complete pasteurizing plant of sufficient capacity to properly pasteurize all the milk of untested herds, so as to make the milk supply of the city as safe as the water supplied with your improved filtration system.

Such a plant has been made at Heidelberg, is ready for shipment, and could be delivered to you free of all charges before the end of the year. I offer this plant because it has just been completed and is ready to be installed, while it would take months to have one made here.

SAVE PEOPLE FROM TUBERCULOSIS.

If you have a place to set up the plant, with steam and water connections, I will be glad to cable to Heidelberg to have it shipped to you. With this outfit you cannot only reduce the number of new cases of tuberculosis, but you can cut down the annual tribute of health and life exacted by typhoid fever, and you can save the children of Washington from much of the scarlet fever, diphtheria and summer complaint that now exacts such heavy toll.

I believe that this project will commend itself to Senator Gallinger, whom I believe is chairman of the district committee, and whom I know is deeply interested in the efforts that I have made to save the lives of the babies.

I hope that you will find it possible to accept this offer and to crown your efficient services in promoting the health of the residents of Washington by wiping out milk-caused sicknesses.







### ILLINOIS FOOD COMMISSION ACTIVE AFTER ILLEGAL OLEOMARGERINE.

The Illinois State Food Commission uncovered a large oleomargarine fraud in Elgin. The game was the old one long overworked in Chicago. The principles in the game were the North Shore Dairy Company, located at 342 E. 26th street, Chicago, Illinois, and their agents. Inspector Frank Hoey, who conducted the investigation in behalf of the state, found that a license to sell butterine had been granted by the Federal authorities to F. C. Draback and Edward Troyer, partners in the North Shore Company, doing business at that address. This company had four solicitors in Elgin making verbal contracts with the housewives to deliver dairy butter for 27 cents per pound. It is said they obtained about one thousand such contracts in Elgin.

About one week later, a Harry Weber, representing the company delivered the goods, which of course, was not butter but oleomargarine, ineligibly marked, and in some cases it is said with the stamp torn off before delivering. Weber was taken in custody by the state officials assisted by Chief of Police Young, at the home of John Krause where he had just left a package of five pound package of oleomargarine ineligibly stamped and which was represented as dairy butter. Samples of oleomargarine delivered by Weber was also taken from the following homes: J. O. Wedell, 421 Prairie; V. H. Prydges, 431 Prairie; George Farrington, 381 South Liberty street; A. E. Fletcher, 171 Grove avenue; H. W. Jones, 613 Villa street; Mrs. Kate Hodge, 161 Grove and Fred Miller, 210 Center street. In scores of other places the names were taken, the samples inspected sent to the laboratory for analysis.

On Thursday, October 28th, Weber who was defended by Attorney Wayne, plead guilty to the six charges preferred against him and was fined \$120.00 and costs, amounting to \$65.00. The settlement was effected before the case was brought to trial and a half a hundred witnesses were disappointed in not being able to give testimony in the case. The case was called before Police Magistrate Becker. Present in court also were Assistant State Food Commissioner

John Newman whose home is in Elgin; Chief Food Inspector Frank Hoey; and Food Inspectors Oliver Fox and Lindstrom, and Chemist Gardner.

### NEW YORK STATE DAIRYMEN ELECT OFFICERS.

**J. D. Frederickson Chosen President of the State Association.**

The New York State Dairymen's Association met in convention at Watertown, N. Y., Dec. 17, 1909, and elected the following officers for the ensuing year: President, J. D. Frederickson, Little Falls; vice president, E. R. Harkness, Delhi; secretary, R. R. Kirkland, Philadelphia; assistant secretary, L. O. Spink, Attica; treasurer, W. E. Griffith, Madrid.

Honorary vice presidents, Hon. Chas. E. Hughes, Hon. Raymond A. Pearson, Albany; John W. Curtis, Rockdale; Samuel Stuart, Newburgh, and M. Manley, Salamanca.

The directors of the National Dairy Union is composed of Commissioner Geo. L. Flanders, of New York; President Jas. A. Walker, of Chicago; Vice President ex-Governor W. D. Hoard, of Wisconsin; Treasurer S. B. Schilling, of Chicago; Acting Secretary and Commissioner James Foust, of Pennsylvania.

Hon. John B. Newman, assistant food commissioner of Illinois, goes to Greenville, Friday, December 17th, and Highland, Saturday, December 18th, to talk to dairymen's meetings.

These are auxiliary meetings to the State Dairymen's Convention, which is held at Vandalia, January 19th, 20th and 21st, 1910.

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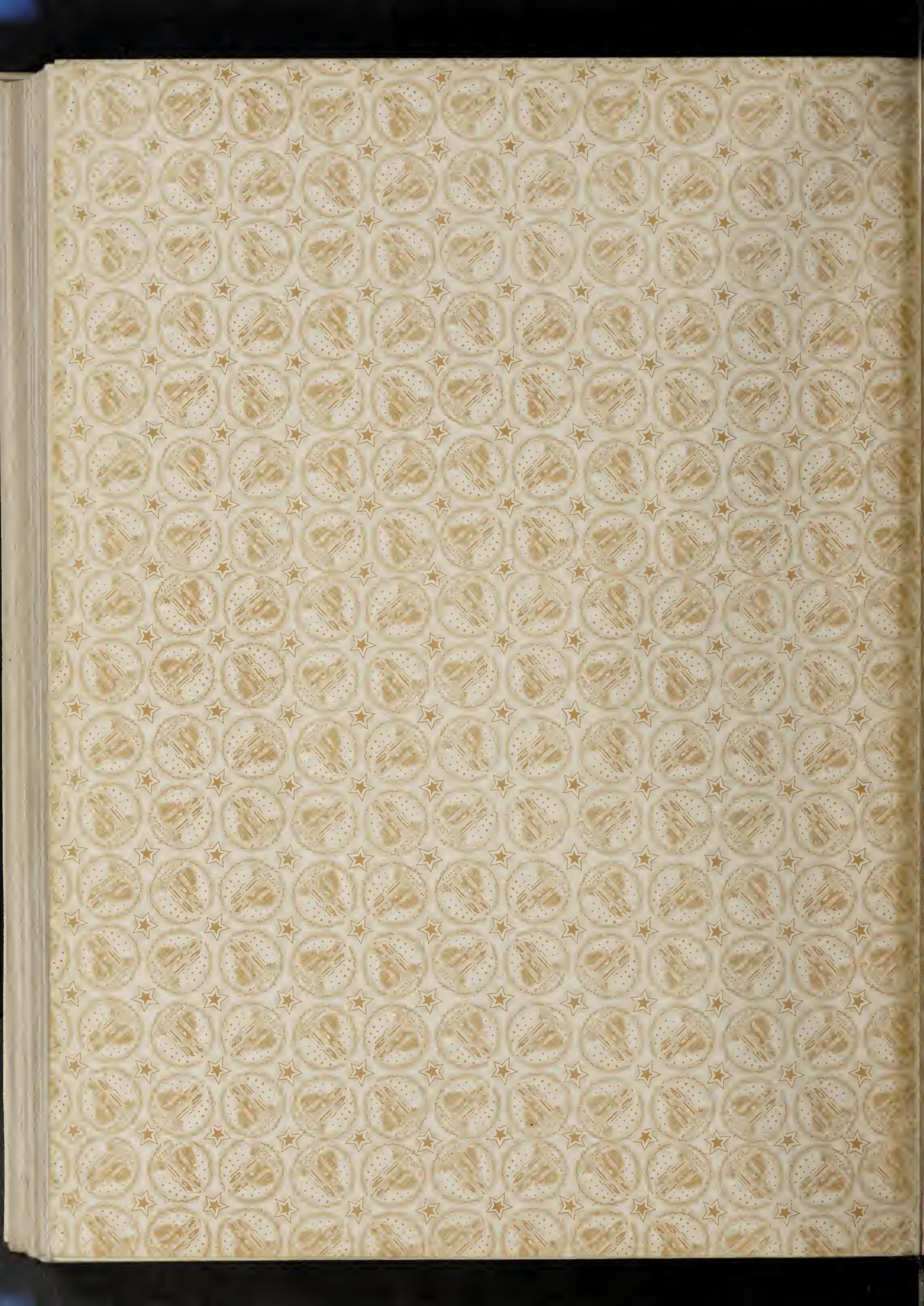




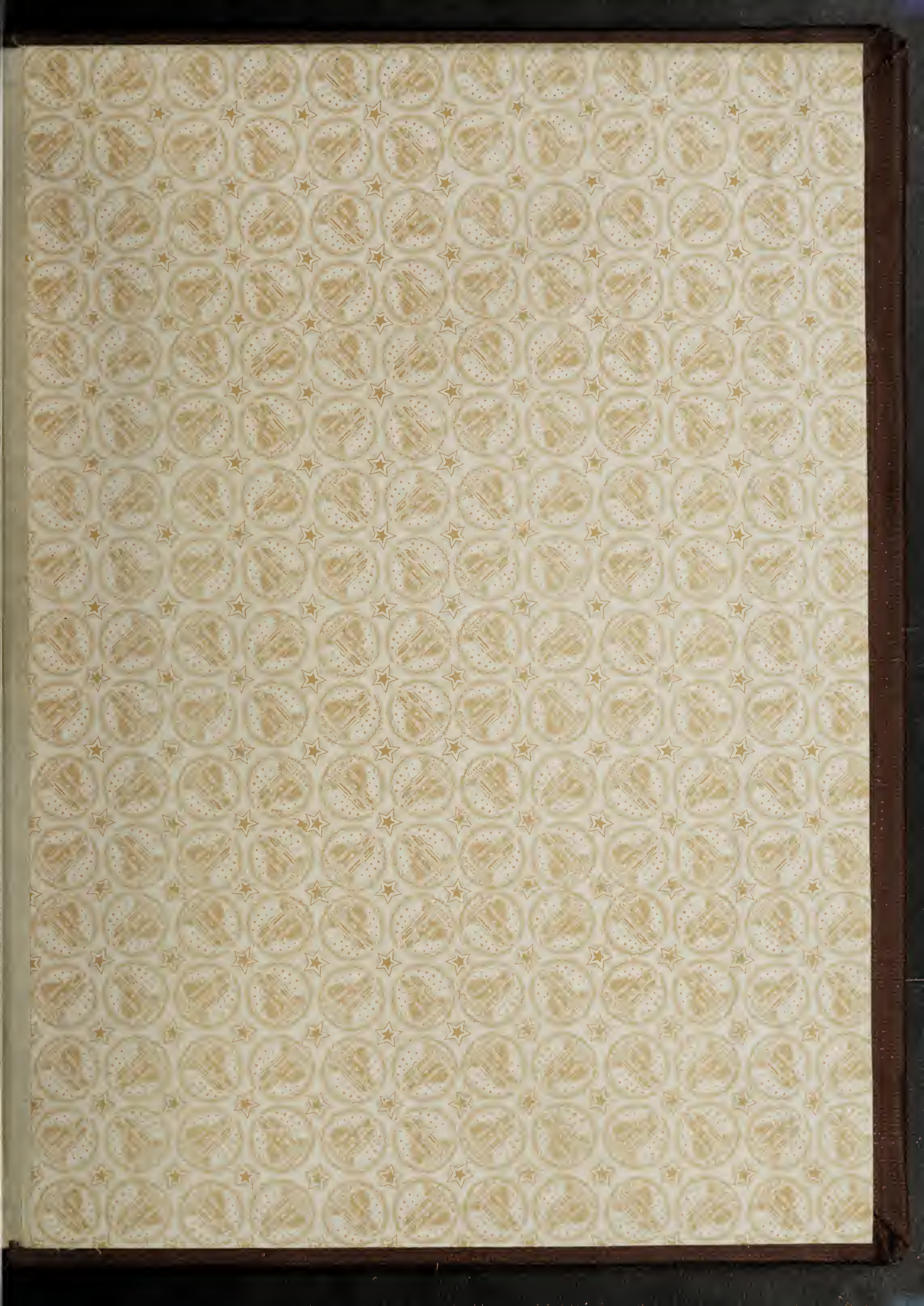














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